

TOWN OF AMHERST
Planning Board

January 3, 2023

DRAFT

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

Staff present: Kristan Patenaude (Recording Secretary) (remote)

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

Pam Coughlin sat for Cynthia Dokmo. Brian Cullen sat for Tom Quinn. Rob Clemens sat for Chris Yates.

PUBLIC HEARING(S):

1. Second Public Hearing on Proposed Zoning Ordinance Amendments. See separate notice.

Arnie Rosenblatt read and opened the case. He explained that this hearing is with respect to a change that was proposed to amendment #3 at the Board's December 6, 2023, meeting. Proposed amendments #1, 2, 4, and 5 have already been moved to the ballot.

There were no questions from the Board.

A member of the public asked for a review of the proposed amendment #3. Bill Stoughton explained that the change has to do with the Town's floodplain ordinance. The changes were requested by the State. If the Town does not make these changes, its residents are not eligible for federal flood insurance. No one from the Board or public had substantive changes to make at the first public hearing, but Town Counsel noticed that one of the changes that the State wanted to make in one paragraph was not made in another paragraph, leading to this second public hearing. The other amendments which were already placed on the ballot will be explained in the Voter's Guide.

Bill Stoughton moved to place proposed amendment #3 on the ballot. Seconded by Tom Silvia.

Vote: 6-0-0 motion carried unanimously.

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

- 2. CASE #: PZ18270-120523 – PKM Properties, LLC; 10 Howe Drive, PIN #: 002-034-007.** Non-Residential Site Plan Review Amendment. To depict changes to the approved plan to lower the site and reduce the pavement for a 24,680 s.f. building; 21,160 s.f. warehouse and 3,520 s.f. office. *Zoned Industrial.*

TOWN OF AMHERST
Planning Board

January 3, 2023

DRAFT

Arnie Rosenblatt read and opened the case. He explained that this item was previously approved by the Board. This application is for the purpose of depicting changes in the already approved plan.

Pam Coughlin recused herself from this item.

**Tom Silvia moved that the application is complete. Seconded by Bill Stoughton.
Vote: 5-0-0 motion carried unanimously.**

Arnie Rosenblatt outlined the Board's process. He explained that the Board would first determine whether the application is complete. If that determination is made, the Board will move into a public hearing on this item.

Sam Foisie, PE, Meridian Land Services, explained that this application was approved at the end of the summer/beginning of the fall. While the applicant was seeking the approvals for other permits, the plan was brought to a contractor to build the site. In discussions with the contractor, it was determined that the cost of the site would not allow the project to move forward. Thus, there was a request to value engineer the site based off the applicant's needs today and their expected needs in the future. Originally, the site was designed to allow the largest vehicle to enter it, but it was determined that the applicant does not use trucks that large for deliveries, leading to changes on the plan. The building size has been reduced a bit based off what the builder can build. The building was pulled off the rear setback line to allow for a little flexibility. There is a proposal to reduce the number of parking spaces, including an expanded waiver from the previously approved waiver. There are also proposals to reduce some of the parking lot area, reduce the turning movements in the loading area, and reduce the width of the pavement coming onto the site. The number of overhead doors proposed was reduced from four to three, and personnel doors have been added to the loading area.

Regarding drainage, Sam Foisie explained that two test pits were dug in the drainage basin. The original separation to seasonal high water was proposed at 7', but the test pits show this being reduced to 5 1/4', which is still above the required 4' of separation. This allowed for a reduction in the pipe network in the parking area which was the original determining factor for the grading of the site. The stormwater basin size has been increased on the plan, allowing for an increase in the volume of stormwater that can be treated.

Sam Foisie stated that for the utilities, the preserved area for a below parking septic system has been changed to a standard pipe and stone leach field located adjacent to the inbound access way. Other changes include adjusting the hydrant locations to allow for the reduced parking area in the northeast corner of the site. The limits of disturbance around the perimeter of the site have decreased, allowing the plan to still be in compliance with the previously approved Conditional Use Permit for the use of the buffer. Impacts to the site will be less than previously approved.

Rob Clemens, and Brian Cullen had no questions at this time.

January 3, 2023

DRAFT

Bill Stoughton stated that the Staff comments from the previous Staff Report have not been fully addressed. Sam Foisie agreed that these have not yet been fully addressed as the changes to the plan came up in the middle of that process. The comments were specific to the lighting plan, which has been changed as the number of poles has been reduced and the poles have been moved away from the property line, bringing the plan into compliance. Sam Foisie stated that his previous preliminary submittal regarding the lighting plan is no longer valid. A letter regarding Pennichuck water availability will be provided. Bill Stoughton stated that there is also a comment that Staff has not yet received comments from Keach Nordstrom on this revised plan and that this would be a condition of approval. Sam Foisie agreed.

Bill Stoughton asked if the previous plan included bringing in fill to raise the height of the site. Sam Foisie stated that this was correct. The revised plan also includes bringing in fill, just not as much. This is unfortunate as this was a gravel excavation site originally that was over-excavated.

Bill Stoughton stated that, from a stormwater standpoint, there is no increase in the stormwater generated through this revised plan, and the impervious area is actually reduced a bit. There are no waivers needed for stormwater from this plan. Sam Foisie agreed.

Tom Silvia had no questions at this time.

Tracie Adams asked if there were any changes to the landscape plan proposed. Sam Foisie stated that there are not. He stated that he would assume the previously approved waiver from having the landscape plan stamped by a licensed landscape architect would still be valid. A minor adjustment was made along the entranceway to make room for the leach field.

There was no public comment at this time.

The Board discussed the requested expanded waiver. Sam Foisie explained that this is an expanded waiver because the revised proposal is to remove four parking spaces in the northeast corner of the site, further reducing the pavement area. There is an area on the site reserved for these four spots, in case they are needed in the future, to the west of the parking spaces on the south side of the building. Sam Foisie stated that the applicant thought that this proposed reduction would be in compliance with the originally approved waiver.

Bill Stoughton moved to grant the waiver requested from the parking requirements of the regulations, as the Board has determined that strict conformity with the requirement would pose an unnecessary hardship to the applicant because the required spaces are not necessary given the particular use envisioned for the property, and the waiver will not be contrary to the spirit and intent of the regulations. Seconded by Tom Silvia.

Vote: 5-0-0 motion carried unanimously.

Bill Stoughton moved to approve CASE #: PZ18270-120523 for PKM Properties, LLC, for the above cited Non-Residential Site Plan Review Amendment, of Map 2

January 3, 2023

DRAFT

Lot 34-7, 10 Howe Drive, to make changes to the approved plan to lower the site and reduce the pavement for a 24,680 s.f. building comprised of a 21,160 s.f. warehouse and a 3,520 s.f. office, for parking and other associated site improvements, with the conditions listed and the other conditions from the conditional approval dated August 16, 2023, which are not listed here but remain in full force and effect, and to adopt the conditions recommended in the Staff Report with the understanding that the checklist corrections required include those identified from the previous approval to the extent they remain applicable. Seconded by Tom Silvia.
Vote: 5-0-0 motion carried unanimously.

Findings of Fact for 10 Howe Drive

Application Description

Case # PZ18270-120523, Foundation Armor, Amended Non-Residential Site Plan Review for Tax Map 2 Lot 34-7, lot size 6.53 acres in Amherst, New Hampshire. PKM Properties, LLC, is the property owner. The property is located at 10 Howe Drive. The June 5, 2023, Non-Residential Site Plan presented then is revised at this meeting. The applicant proposes to depict changes to the approved plan to lower the site and reduce the pavement for a 24,680 s.f. building: a 21,160 s.f. warehouse and a 3,520 s.f. office.

The Staff Report's description and chronology is adopted by the Board as a portion of this Findings of Fact and can be referred to for further details.

Application Completeness

Per Non-Residential Site Plan Review Regulations Article 3, the Planning Board was provided with application documents which were reviewed. It was determined that the application was sufficiently complete to proceed with consideration by the Board per RSA 676:4 I. (b).

Land Usage Requirements

Per the Zoning Ordinance, Section 4.7, the proposed land use meets the existing land uses permitted in the Industrial Zoning District.

Compliance with Regulations

General Standards 2.1 requirements were achieved to the satisfaction of the Planning Board.

Section 6.1 Parking Area requirements in relation to landscaping islands and plantings are met to the satisfaction of the Planning Board.

Section 7.1 Outdoor Lighting is now superseded by the Outdoor Lighting and Glare Ordinance. The applicant demonstrated that the requirements were met particularly in relation to light remaining on site.

Section 8.1 Parking Space Requirements the calculation was for 50 spaces and a waiver was granted for 35 spaces plus 4 future spaces for a total of 39 spaces. See the waiver section for

January 3, 2023

DRAFT

details.

Section 12.1 Architectural Design Standards' purpose is achieved to the satisfaction of the Planning Board.

Environmental Requirements

Per Section 2.1.7, environmental factors such as pollution, noise, odor, and protection of natural land features were evaluated and determined that adequate provisions were made.

Per Section 2.1.8, the landscape plan was found to be in keeping with the general character of the surrounding area.

Per Section 5.1, the purpose of the Landscaping section, protecting, enhancing, and promoting economic, ecological, and aesthetically pleasing landscaping that improves safety and positively impacts stormwater quality and quantity, is achieved to the satisfaction of the Planning Board.

Waivers

The waiver for Parking Space Requirements was requested and the Board made the decision to grant this waiver.

Stormwater Management

General Standards 2.1.5 Stormwater drainage was addressed in the Stormwater Management Report. It was determined that the stormwater management and erosion and sediment control plans meet the Town's requirements.

Conditions

The applicant acknowledges the conditions precedent and conditions subsequent in the Staff Report as well as any additions from the Planning Board are required.

Summary

The Planning Board finds that with the conditions imposed in the approval, the application meets the spirit and intent of the Ordinances and Regulations.

Tracie Adams moved to approve the Findings of Fact as presented for 10 Howe Drive. Seconded by Tom Silvia.

Vote: 5-0-0 motion carried unanimously.

Pam Coughlin retook her seat.

OTHER BUSINESS: The Board took up this item at this time.

1. Minutes: December 6, 2023

January 3, 2023

DRAFT

Bill Stoughton moved to approve the minutes of December 6, 2023, as amended [Line 414: change from “completion of” to “competition from”; Line 535: to read “proposed housekeeping”; Line 1: Add “Chair” title for Arnie Rosenblatt.]

Seconded by Bill Stoughton.

Vote: 5-0-1 motion carried [T. Silvia abstaining.]

3. **CASE #: PZ18271-120523 – Vonderosa Properties, LLC (Owners & Applicants); County & Upham Road, PIN #: 004-145-000.** Subdivision Application. To subdivide Tax Map 4 Lot 145 into five (5) residential lots. *Zoned Residential Rural.*

4. **CASE #: PZ18272-120523 – Vonderosa Properties, LLC (Owners & Applicants); Cricket Corner & Upham Road, PIN #: 004-116-000.** Subdivision Application. To subdivide Tax Map 4 Lot 116 into nine (9) residential lots. *Zoned Residential Rural.*

5. **CASE #: PZ18273-120523 – Vonderosa Properties, LLC (Owners & Applicants); County, Upham & Spring Road, PIN #: 004-118-000, 004-119-000 & 004-121-000 & 006-102-000.** Subdivision Application. To subdivide Tax Map 4 Lots 118, 119 & 121, and Tax Map 6 Lot 102 into seven (7) conservation lots and thirty-seven (37) residential lots. *Zoned Residential Rural.*

Rob Clemens recused himself from all three Vonderosa Properties, LLC hearings.

Arnie Rosenblatt read and opened all three hearings for the same applicant at the same time. Attorney for the applicant, Israel Piedra, Esq., of Welts, White & Fontaine, P.C., stated that the applicant would like to have each application heard independently. Arnie Rosenblatt explained that the Board will not be hearing new information past 10pm this evening. He believes it would be more efficient for the Board to hear all three application presentations concurrently. He would prefer this but will not insist on it. These items will need to be continued, at least due to the fact that a site walk will be needed.

Chad Branon, PE, Fieldstone Land Consultants, stated that the three applications were submitted separately, the Staff Reports treat them as separate applications, and he thus believes that the Board must accept each one separately as complete. Arnie Rosenblatt agreed regarding accepting each application as complete separately. Chad Branon stated that the applicant is happy to present them as one large presentation. The larger application will require a lot of work.

Arnie Rosenblatt asked the applicant to address which waivers are being requested for each application. Chad Branon stated that there is only one waiver being requested for each of the three applications, dealing with a stormwater management plan. The Town’s regulations include a stormwater management checklist that requires all three of these applications to submit an individual stormwater management plan for each lot, as each application is over three lots in size and the disturbances would exceed such. The only way to design a site for stormwater management is to understand what is proposed to be developed. As referenced in the stormwater

TOWN OF AMHERST
Planning Board

January 3, 2023

DRAFT

management checklist, the requested waivers are that this be handled during the building permit process. At that time there would be a review of the engineering design for completeness, likely by the Town Engineer.

Arnie Rosenblatt asked the Board if it is prepared to determine that each application is complete at this time, in order to move forward with the review of the application, recognizing that in some instances the Board has approved waivers for completeness with the caveat that additional information can be required to be submitted at a later time. One impact of determining that an application is complete, is that the clock starts running.

Tracie Adams stated that the only item regarding completeness that does not seem to yet be submitted is with regard to the legal data. Chad Branon stated that a driveway easement form was submitted to address the legal data. This is the same form that was done and approved with the prior subdivision. For the larger subdivision, the applicant is proposing conservation lots and conservation easements, and looks forward to working with the Amherst Conservation Commission (ACC) regarding appropriate restrictions. There is no requirement for that item in the subdivision application. This is an offering from the applicant, with hope that the Board would consider that this is not technically a required item for completeness at this stage.

Bill Stoughton stated that, with respect to the stormwater request, he would like to be clear that if the Board agrees to waive submission of the report for purposes of completeness, that the need for a waiver can be addressed after hearing the presentation. The Board will, in no way, be bound by waiving it for purposes of completeness from raising that item later on. He stated that he has some concerns substantively on whether this item should be waived. Secondly, he stated that he believes some of these lots will require a Conditional Use Permit (CUP), for example to access the reduced frontage lots. The ordinance requires that a CUP be submitted at the same time as the subdivision application. The Board could reject the subdivision application if there is no CUP, and one is required.

Tracie Adams stated that the ACC raised a few concerns regarding CUPs being needed for the wetland crossings. She would like to make sure this issue can be raised again in the future by the Board, if needed. Bill Stoughton stated that he would like to hear from the applicant that there will be no objection to the Board raising these issues at the point of a hearing if it waives them now for purposes of completeness. Attorney Piedra stated that the applicant agrees to this item.

Arnie Rosenblatt asked that the motion should provide that the Board is accepting these applications as complete, with the understanding that at least the two issues identified may be considered down the road, and that the applicant agree to defer any deadlines until after the next meeting.

Bill Stoughton moved to accept the application for CASE #: PZ18271-120523 as complete, with the understanding that at least the two issues identified (stormwater management and CUPs) may be considered down the road, and that the applicant agrees to defer any deadlines until after the next meeting. Seconded by Tom Silvia.

January 3, 2023

DRAFT

Vote: 5-0-0 motion carried unanimously.

Bill Stoughton moved to accept the application for CASE #: PZ18272-120523 as complete, with the understanding that at least the two issues identified (stormwater management and CUPs) may be considered down the road, and that the applicant agrees to defer any deadlines until after the next meeting. Seconded by Tom Silvia. Vote: 5-0-0 motion carried unanimously.

Bill Stoughton moved to accept the application for CASE #: PZ18273-120523 as complete, with the understanding that at least the two issues identified (stormwater management and CUPs) may be considered down the road, and that the applicant agrees to defer any deadlines until after the next meeting. Seconded by Tom Silvia. Vote: 5-0-0 motion carried unanimously.

Arnie Rosenblatt explained that the applicant would now proceed with a presentation with respect to the three applications. The applicant has not waived its position that the three applications are three separate applications, but this does not mean that the Board is agreeing that they should not be considered concurrently. For purposes of efficiency, the applicant will present with respect to each of these three applications at the same time. The Board will have an opportunity to make comments and ask questions with respect to all three; the public will have an opportunity to make comments with respect to all three, and this process will then go back to the Board. These hearings will not be completed tonight as a site walk is needed, and Board members may want additional information. There will also likely be a number of comments and questions from the public.

Chad Branon explained that the applicant is seeking a conventional subdivision over Tax Map parcels 4-116, 4-118, 4-119, 4-121, 4-145 and parcel 6-102. In totality, all three applications consist of 332 acres. The lots have frontage along Cricket Corner Road, County Road, Upham Road, and Spring Road. The applicant is proposing, through the course of three applications, a conventional subdivision utilizing the existing road frontage to create 58 lots. A total of seven of those lots would be conservation lots, leaving 51 buildable lots in totality. There are approximately four backlots being proposed.

Chad Branon stated that the first application is for a five-lot conventional subdivision on Tax Map parcel 4-145. This parcel has frontage along County Road and Upham Road, consists of 15.927 acres of land and has 1,334 linear feet of frontage along County Road and 885 linear feet of frontage along Upham Road. The parcels for all three applications are located in the Residential Rural Zone, which has a minimum lot size of two acres of non-wet, non-flood plain land, with slopes of less than 20%. The frontage requirement in that Zone is 200' on a Class V or better road and all of the roads in these applications meet those criteria. The topography for this parcel generally slopes from south to north, to jurisdictional wetlands along the northeast portion of the site. The lots proposed in this subdivision range from 2.1 acres to 4.04 acres. All lots meet the buildable area requirement and the dimensional standards. Test pit data has been supplied. The lots for this development will be serviced by onsite wells, onsite septic systems, and private

January 3, 2023

DRAFT

driveways. The applicant originally proposed six lots in this location and, after considering the applicant's objective, a determination was made to preserve the field area along Upham Road. These modifications reduced the density down to five lots. In order to preserve the field area, the proposal is for a common driveway off County Road to service Lots 3, 4, and 5. The other two remaining lots would also have access off County Road. The applicant has provided all of the sight distance plans for all of the lots for these three applications and they meet all of the requirements.

Chad Branon stated that the applicant has received department comments, along with those from the Fire Department, the ACC, the SAU, the Heritage Commission, and the Department of Public Works (DPW). One of the comments from the ACC dealt with adjusting the common driveway to try to minimize any impacts to the buffer area. The applicant is willing to work with the ACC on this item but has not yet made these adjustments.

Chad Branon stated that the applicant submitted test pit data, supporting all the requirements. The applicant also submitted a wetlands evaluation methodology report, which evaluated the functions and values of all the wetlands and justified the buffers that are being proposed. There were some questions from the ACC regarding that report, and the applicant will continue working with them. The applicant submitted a fiscal impact study that was prepared by Fougere Planning and Development that outlined in totality that the three projects would have a net positive impact for the Town. The applicant also provided an archaeological report prepared by Monadnock Archaeological Consulting. The report highlighted three sensitive areas within the parcels, two of which the applicant is planning to preserve. One of them is on a conservation lot, and one is the Upham homestead. The summary of the report recommended additional excavation around the homestead to make sure the history is documented appropriately. The applicant has no objections. Outside of those items, there were no other concerns of archaeological significance. The applicant plans to meet the standard recommendations consistent with the Heritage Commission to try to preserve stonewalls and reconstruct them if there are any impacts.

Chad Branon stated that the applicant also submitted an environmental and wildlife report prepared by Natural Resource Consulting Services. This report spoke to all three of the applications. The applicant is proposing a conventional large lot subdivision, meaning there will be buildable areas and impacted areas, but there will also be large, preserved areas around the homes and, by default, a great deal of wildlife corridor and habitat being preserved. The applicant ultimately incorporated some conservation lots and conservation easements. The wildlife consultant felt that this plan connects the preserved areas, preserves wildlife corridors, and allows for recreational connectivity.

Chad Branon stated that the applicant also submitted a hydrogeological report prepared by Terracon Consultants. This report addressed the wells and water supply. The conclusion was that these developments should not have a negative impact on surrounding wells and their water supply. This was supported by existing data.

January 3, 2023

DRAFT

Chad Branon stated that he already reviewed the waiver request. He noted that there will be CUP requirements for wetland crossings and those designs will lead to drainage details.

Chad Branon discussed the second application, for Lot 4-116. The parcel consists of 46.103 acres of land, has 1,333 linear feet of frontage along County Road, and 1,289 linear feet of frontage along Cricket Corner Road. This parcel is also located in the Residential Rural Zone and has the same lot size requirements. The topography of the site generally slopes from west to east. There are some jurisdictional wetlands positioned throughout the property which drain towards the east. The proposal for 4-116 is a nine-lot conventional subdivision. The lots will range from 2.4 acres to 12.9 acres in size and will meet the two-acre minimum buildable area requirement, as well as all the dimensional standards. Each of the lots will be serviced by a private well, septic system, and private driveway. Sight distance plans providing 300' of sight distance at the driveway intersections were submitted. The applicant provided the same details relative to test pits for this application. The applicant will be proposing one wetland crossing to access two proposed large lots that are isolated by wetlands along the southwestern portion of the site. The applicant will be working on designs associated with that crossing.

Chad Branon stated that the third application proposes a 44-lot subdivision over Tax Map parcels 4-118, 4-119, 4-121, and 6-102. These properties have frontage along County Road, Upham Road, and Spring Road. Parcel 4-118, on the south side of County Road, consists of 15 lots. 14 of those lots will be buildable lots and one will be a conservation lot. Tax Map parcels 4-119, 4-121, and 6-102 will be consolidated and ultimately re-subdivided into 23 buildable lots and six conservation lots. This leads to a total of 37 lots on the north side of County Road, seven of which will be conservation lots. This application, in total, consists of 270 acres. Lot 4-118 is a 44.2-acre property, 4-119 is 19.7 acres, 4-121 is 56.4 acres, and 6-102 is 149.6 acres. These lots are all in the Residential Rural Zone. The applicant proposes 44 lots, with 37 buildable lots and 12,716 linear feet of road frontage. This equates to approximately a 7.3-acre average lot size. These will not be small lots on average. This proposal includes three back lots, one on the south side of County Road and two on the north side. All of those lots meet the dimensional standards for backlot separation to intersections. The lots in this application range from 2 acres to 41.3 acres in size and all meet the minimum buildable area requirements. These lots will be serviced by private wells, on-site septic systems, and private driveways. The applicant completed all of the sight distance checks along County Road, Upham Road, and Spring Road.

Chad Branon explained that the third application proposes to permanently protect approximately 113 acres of land. This is accomplished through seven conservation lots and a conservation easement. The conservation easement consists of 25.3 acres. In total, the conserved area proposed on this portion of the overall development is 138.3 acres, or approximately 51.2% of the land. Nearby Village Woods Drive is a cluster subdivision that has open space and preserved area. The conservation land proposed by the applicant will connect to this area and extend to Evergreen Lane. The south side of County Road includes conservation land and there is a large amount of corridor connectivity being proposed with this layout. This is referenced in the environmental and wildlife study as going above and beyond in preserving land. Chad Branon noted that this is being offered by Vonderosa Properties, but there is no requirement in the

TOWN OF AMHERST
Planning Board

January 3, 2023

DRAFT

regulations for conservation lots or easements. The owner has enjoyed the property and is trying to preserve the property while creating a very reasonable development that maintains rural character. These are objective plans to continue in reviewing potential upgrades to County Road.

Chad Branon stated that the third application will require some improvements to County Road. A traffic study has been completed and states that County Road is a Class V road which, under the current conditions, should be 20' wide with shoulders in order to address appropriate traffic, safety vehicles, etc. As this is a scenic road, it would be best to preserve its rural character. The development being proposed can safely operate under the current dimensional standards. The applicant is proposing reasonable improvements, which seem to be consistent with what the Director of DPW, Eric Slosek, expressed in his letter. These improvements will be mindful of the surroundings, trying to preserve and minimize tree cutting, and preserve stone walls. The applicant looks forward to continuing to work with the DPW. The applicant walked County Road with Eric Slosek to discuss safety issues, such as sight distance improvements, drainage, and roadway width improvements. These applications deal with a property owner that owns, in large part, both sides of the road, allowing a unique opportunity for preserving the natural features and characteristics while still addressing getting drainage off the road and treating it before discharging into a jurisdictional wetland. The applicant will continue to work on design options and solutions for County Road.

Chad Branon stated that all of these applications will have to be phased to meet the Town phasing standards. The applicant has a very practical and reasonable outlook on this project and is not planning to build a large number of homes in any particular calendar year. The applicant discussed phasing in order to work certain things into a budget with Eric Slosek.

Arnie Rosenblatt asked for Board comments and questions.

Pam Coughlin expressed concerns regarding the narrow sections of County Road. She asked how this can be widened with stonewalls on both sides. She also expressed concerns about electrical utilities and wildlife. Chad Branon stated that the applicant has opportunities to adjust the alignment of the road while being sensitive to the trees. There are some trees along the right of way that will have to be cut for roadway widening. The traffic study, as it pertains to County Road, showed that it is currently in bad shape. It is a Class V road but is not up to road standards. There are currently very narrow sections. In the areas where the applicant owns land on both sides of the road, there are unique opportunities to improve the road. In order to engage in those discussions, the applicant would like to submit a formal proposal to the Director of Public Works and to the Board. Chad Branon stated that this Board determines the standards.

Brian Cullen stated that the applicant's proposal to preserve half of this property is pretty spectacular. He asked if the field on the Upham field lot would be split, preserving the upper side, and building on the back side. Chad Branon agreed. Chad Branon explained that the intersection in this area is currently a bit of a nightmare. This has been discussed with the DPW Director and the traffic engineer, regarding making improvements for the turning radius. These

TOWN OF AMHERST
Planning Board

January 3, 2023

DRAFT

are existing town roads, so the applicant cannot propose stop signs, but the applicant is proposing some adjustments to the stopping conditions.

Brian Cullen asked how the applicant will access the lots on the west side of Upham Road. Chad Branon stated that the applicant received some comments and concerns from the ACC relating to that lot and is reevaluating if there is a better place to access that buildable area, as the driveway is currently proposed more within the buffer than the applicant would like. This submission proposes the driveway across from the intersection.

Bill Stoughton stated that the applicant's cover letter introduces all three of the applications and includes a statement that the proposal is contingent on seven conditions. He expressed concerns regarding the fact that some of these conditions are not within the purview of this Board, such as the requirement that future current use penalties shall be waived for the 30 proposed lots, or that future impact fees may be used toward road upgrades or repairs. These are not determinations that can be made by this Board. Bill Stoughton stated that the biggest condition of concern states that the applicant will pay no offsite improvement costs. He asked if this condition means that, if County Road needs to be improved, the applicant will not pay for that. Chad Branon explained that the current traffic study states that County Road should be brought up to a certain standard. The proportionate contribution of that will be determined and would likely be owed by Vonderosa Properties. The applicant hopes that there can be some tax credits for the conservation land proposed in these applications. The applications include a lot of property along County Road proposed to be dedicated to the Town, which has a value. The applicant discussed items such as drainage easements onto nearby properties with the DPW Director, and there is a lot of opportunity to work on these details. Bill Stoughton stated that, as he reads the ordinance, there are only certain items that this Board is capable of doing. Chad Branon stated that the first step is to determine what improvements are needed to County Road and the associated costs to be borne by Vonderosa Properties. While this is being determined, there will be adjacent conversations going on, with the ACC and other groups, to keep things moving forward.

Bill Stoughton stated that there is a process in the ordinance for assessing costs of road and drainage improvements. The ordinance states that the DPW could get engineering assistance if needed, and this would be at the applicant's expense. He asked if the applicant is willing to engage in that process. Chad Branon stated that the applicant is, but the applicant believes that he would prepare the design to then be reviewed by a third-party consultant. He stated that he believes this is referenced in the letter from the DPW Director. The applicant would prepare a proposal for County Road improvements that will then go to the Town's engineer for review and comments. There would then be a construction cost estimate/proportional assessment done. That has to be done by the Town's consultant. Bill Stoughton stated that the proportionality assessment is done by the Board, with assistance. He stated that he has a different concept of how the ordinance reads. He believes the Board should go to the DPW and ask what changes are necessary for County Road, with the DPW having the ability to seek engineering assistance if needed. The starting point should be what will bring County Road from its current condition to one that complies with the Town's road standards. If there are then suggestions regarding the road's scenic nature, there can be a consideration regarding the cost/benefit analysis. A cost

January 3, 2023

DRAFT

estimate can be obtained from the Town's engineer which can then be used to determine a proportionate share. There can then be discussion regarding what items the applicant is proposing at a benefit to the Town. The road improvements design should be completed by the Town for what is necessary for growth improvements. Bill Stoughton stated that this design should include County Road, the Upham Road intersection, and likely the Cricket Corner intersection as well.

Bill Stoughton stated that he is very concerned regarding the requested waiver to wait until the building permit stage to consider stormwater control for each lot. At the building permit stage, the lot will likely have been sold to a builder or a private individual. If the lots have not been reviewed for feasibility of proper stormwater control and placement of the proposed house, this could create a real problem for everybody, including the then owner of the land. He stated that the time to consider this item is now. This could be done similarly to septic systems, where 4,000 s.f. areas are set aside to determine the layout. The applicant's fiscal impact study stated that these lots will assess when built out on average at \$1.2M. The footprint of a \$1.2M home and the associated impervious area can be calculated in order to determine potential placement on the lots. For some of these lots, there is probably only one place a house can go, if it can go anywhere. He would like to see this calculated and laid out in order to determine the stormwater condition and if it can be handled. Chad Branon stated that some of the lots have contours, may parallel wetlands, or require areas to be preserved for stormwater. The basis of this requested waiver is to find a middle road. There are a fair number of these lots that are pretty straightforward and not adjacent to wetlands. Designing all of the lots would require a large effort. Bill Stoughton stated that sometimes these things take a lot of effort. He understands the developer's interest in minimizing the cost moving forward, but the Board has to assure that each one of these lots is a buildable lot that will comply with the ordinances, including the stormwater regulations. He would like to see how stormwater will be infiltrated on these sites.

Bill Stoughton stated that some of the lots that require wetland crossings are of concern. There are a couple of lots with extensive wetland impacts, such as 6-102-14, and 6-102-15. He does not know where the driveway access would be for those sites. It may end up at the CUP process that some of the impacts are just too great to approve them as buildable lots.

Tom Silvia addressed the applicant's cover letter. The first sentence states that this proposal package is contingent on some reasonable conditions. He asked if this is the beginning of a negotiation process. Chad Branon stated that the objective of the cover letter was to lay out a proposal for a proposed development. The applicant proposes to place a lot of land into conservation restriction. There is an interest in trying to work with the Town toward tax credits, or waived current use penalties for this land. The conditions mentioned are ideas and concepts that the applicant wants to work through. Not all of the items can be addressed before this Board, the applicant would be doing this Board a disservice if it did not openly address these items.

Tom Silvia stated that the first condition states that the seven conservation lots will be donated upon execution of a reasonable appraisal of the land. He asked if this means that the applicant

TOWN OF AMHERST
Planning Board

January 3, 2023

DRAFT

will donate this land to the Town as long as he gets paid through something similar to a tax credit. Chad Branon stated that this is the intention.

Chad Branon stated that the second condition discusses the lot yield of the proposal. This is a very reasonable development, with 332 acres of land and 51 buildable lots. This is a reasonable yield, and the applicant has very good intentions in terms of maintaining rural character and positioning the homes. Tom Silvia asked if this is a communication that 51 lots is appropriate for this area. Chad Branon stated that this is the intention. The applicant will have to prove it and can make lot line adjustments during the subdivision process to address concerns. The applicant will try to embrace the comments from the ACC and work with everyone involved.

Attorney Piedra stated that the overarching point of these conditions is not the applicant's demands. The applicant is trying to put all his cards on the table. The applicant has offered things that he did not have to offer and has tried to work with all the stakeholders in a way that perhaps other applicants might not have. Tom Silvia stated that he appreciates that.

Chad Branon stated that the next condition is a statement that the traffic reports shows that improvements are needed to County Road under the current conditions. The fourth one is that no offsite improvement costs will be borne by Vonderosa Properties. In working through the other conditions, the applicant will have other contributions in different avenues. The fifth condition is that future impact fees may be used toward road upgrades or repairs. A percentage of impact fees go toward road improvements. He stated that the applicant believes that perhaps these lots do not have to be assessed that portion of the impact fee, as the Board has the ability to address this item. The fiscal impact report outlines the anticipated impact fees to be approximately \$832,000 for this development. A portion of that, approximately \$65,000-\$75,000, is road impacts. The applicant has considered road upgrades and wonders if that would count toward some relief on impact fees. There is another similar item regarding fire suppression/safety. The applicant may bring fire ponds or cisterns to the neighborhood. These do not currently exist in this area. If the applicant addresses something that the community benefits from as a whole, there should be some discussion about potential relief from impact fees.

Chad Branon stated that the next condition has to do with waiving current use penalties for 30 of the proposed lots. This is a discussion that needs to be had, likely not with this Board. The applicant agrees to dedicate land along the roadways, as applicable, for appropriate town right of way and road maintenance. This is for County Road, Spring Road, Upham Road, and especially at the intersections. The road currently leaves the right of way and goes onto private property in some areas. The applicant will work to correct this and make sure that the Town has the correct right of way widths. Condition #8 states that the applicant will work with the Town on the stormwater management improvements. Condition #9 pertains to project phasing. The applicant is willing to have a discussion about the phasing. This is why the applicant submitted three applications. The applicant would like to get approval on the smaller subdivision sooner, in order to build homes within the next year or two. These are legally separate and distinct properties. The applicant also understands the Board's concerns relative to preparing reports and looking at the project in totality.

TOWN OF AMHERST
Planning Board

January 3, 2023

DRAFT

Tom Silvia expressed concern regarding the proposed reduced frontage lots and the amount of total acreage for both the front and the back of these lots. Chad Branon stated that he believes the proposal will meet requirements of the minimum lot size.

Tom Silvia asked about sight checks on the roadways without having driveway locations. Chad Branon stated that the applicant designed each driveway for the first 10'. A sight distance check is taken 10' off the edge of the roadway. The applicant has established the grade coming off the road at 2%. The location of the driveways can be changed with the applications. A future owner could choose to move it, but they would have to prove that they would meet the sight distance in a new location.

Tom Silvia asked how much of the proposed 138 acres of conservation land is actually buildable. Chad Branon stated that he has not yet done that calculation. A majority of the lots are buildable lots. There is a fair amount of wetlands but there are also upland pockets. Tom Silvia stated that he would like to see this calculation. Arnie Rosenblatt agreed that the Board would like to know what portion of the proposed conservation land is buildable. Attorney Piedra stated that just because it is not buildable now does not mean it will not be in the future.

Tracie Adams asked, if County Road is improved, what impact that would have on the Town in terms of it being a more desirable thoroughway for people. Chad Branon stated that this has been part of the discussion with the traffic engineers. This is a Class V road and needs to be to a certain standard. Improving it may make it more desirable to travel down. Traffic calming is a big discussion in a lot of other areas of Town. There may need to be some reasonable improvements to address safety, maintenance, and drainage issues to make sure that the road is not a continual burden for the Town. There would be some wetland impacts associated with the road improvements and impacts associated with potential widening. He stated that he believes those impacts exist already based on the current drainage and function. Addressing drainage in this area would ultimately be an improvement for the environment.

Tracie Adams stated that she likes the conservation concept and was glad that the applicant was straight forward with much of the information presented.

Arnie Rosenblatt asked how the logistics of the applicant's proposed conditions will work. The applicant has stated that this proposal is contingent on certain conditions and agreements. This is atypical as normally the Planning Board states conditions that are mandated by its approval. He stated that he will not support the Planning Board approving these applications until all the issues within the proposed conditions are addressed, and some of this cannot be done by this Board. Regarding the conservation land, first the value will need to be determined, then the Board will have to discuss potential tax credits with Town Counsel. A similar process will likely be needed for the improvements on County Road. There may not be agreement on the Board as to how these items are handled. He asked if the applicant is prepared to continue having discussions with various Town entities on these items, which will require extending whatever statutory deadlines there are. Chad Branon stated that, without question, the large application will need to be

TOWN OF AMHERST
Planning Board

January 3, 2023

DRAFT

extended. The applicant is hoping to work through the smaller applications. Arnie Rosenblatt asked if the smaller applications impact County Road as well. He asked if there is any way to realistically separate the applications for purposes of County Road. Chad Branon stated that there are paved portions of County Road that, according to the applicant's traffic consultant, do not need to be improved. There are distinctions between sections of County Road that could allow the smaller applications to be handled separately.

Attorney Piedra stated that the applicant may not agree that there needs to be a full plan for how County Road will be dealt with before the smaller lot applications can be approved. Arnie Rosenblatt stated that he has trouble separating these items. Based on the applicant's cover letter, there are a number of issues that deal with County Road. He is unsure how the Board can address any of the three applications without first dealing with the issues raised regarding County Road. He pointed out again that the letter applies to all three projects. Chad Branon stated that the cover letter was requested to deal with all three projects, but the reality is that the improvements to County Road are along the section for the larger development of the three.

Arnie Rosenblatt asked if the applicant believes that all of the proposed conditions in the cover letter can be determined by the Planning Board or by someone else. Attorney Piedra stated that he believes all items, except #6 for the current use penalty waiver, can be determined by the Board.

Arnie Rosenblatt asked for public comment at this time. He stated that public comment will be taken until 9:30pm, in order to give the Board time for additional discussion.

Jerry Stankiewicz, 13 Conifer Lane, asked for additional meetings on these applications and for all materials to be available online. It was pointed out that these materials are all available through the Town website.

Dave Williams, County Road, asked what this proposal will cost taxpayers. Currently there are no plans for any changes to County Road. There has been no money appropriated for any changes to County Road and there have been no mandates for any changes to County Road. Thus, the cost to taxpayers is \$0. The ordinance states that the Planning Board shall request the Department of Public Works to identify offsite highway drainage as necessitated by the development and an estimate of the cost upgrades. If the Department requires outside engineering support in identifying the estimated cost structure, the applicant shall bear the reasonable cost of such. This is not a debatable question. The ordinance calls for the DPW to identify what the costs are going to be. If they cannot do it, they will seek an outside consultant to determine what the costs are going to be for taxpayers. He asked if the Board approves the applications and the studies are done, is the Town then authorized to spend taxpayer dollars for this. Section 203.1.B. of the regulations, discusses excessive expenditures. If excessive expenditures are needed for County Road, he asked who would authorize them. He would like to see this put before the voters of Amherst regarding excessive expenditures for the improvements to County Road as necessary for 37 \$1.1M homes. This should be reviewed in terms of the cost to the taxpayers of Amherst.

January 3, 2023

DRAFT

Beth Sullivan, Village Woods, stated that she believes the traffic study and wildlife study need to be redone as they are bogus. The traffic study was done in October 2023. The data collection was a few days before Seaverns Bridge Road was closed. There were signs up telling people to find an alternate route, which reduced the traffic on the road. The bridge at Thornton Ferry Road was also closed, reducing the traffic going in the other direction. The numbers are not an accurate portrayal of what actually drives County Road. There was no discussion of how the proposed Village traffic changes could affect the traffic flow coming through County Road. The Vonderosa Properties' homes that were built on Cricket Corner have three car garages, so there will likely be the same in this development, adding another 150 cars and increasing traffic. The traffic speeds in the report were hysterical. Nobody drives 14 mph on County Road. She stated that the reason the reported speeds were so slow is due to the light gray cable across the dark brown dirt road, causing people to brake. These reports were all submitted during the holiday season and there was not access to most of them until a couple of days ago. The only reason improvements on County Road are being discussed is because of this development. She stated that she believes the Fire Chief would like the road paved for the fire trucks. This would create a straight line from Route 3 in Merrimack to downtown Amherst, causing a problem. The dirt part of the road acts as a safety deterrent. It decreases the traffic and decreases the speed. Once this is improved, people will treat it like a highway. She asked how paving the road would be a benefit to the taxpayers. She also expressed concern regarding the submitted wildlife report.

Bill Birchard, 6 Alden Lane, asked if the hydrology study addressed neighboring wells.

Jonathan Graham, 1 Martingale Road, stated that the fiscal impact study seems to be in contradiction with the letter from the SAU regarding the number of expected students. He expressed concern that the traffic study was done in October. He noted that the information from the Fire Chief regarding bringing fire apparatuses down that road should consider the weight of Tower One and the turning radius when looking at the width of the road.

Howard Muscott, 48 County Road, stated that the big issue seems to be the proposed improvements to County Road and the cost. He expressed concern over the applicant's suggestion that this project will continue the rural character of Amherst. There are a lot of inaccuracies in the submitted reports that need to be double-checked by the Board, or other experts. The fiscal impact of this will come to every taxpayer. It would be prudent to know exactly what it will cost. He asked if the Board could commit the public to pay taxes on something now, knowing that things such as Board makeup may change in the future. The developer proposed that this is going to be a money-making apparatus for Amherst. He asked how a home of this size and cost could have 0.4 of a child and only two cars when there will be three-car garages. It is imperative to know the size and the scope of this development. It is important to designate someone to thoroughly analyze the methodologies and the metrics. He asked if the subdivision plans that the ACC called inaccurate with respect to wetlands and other features can be relied upon. He asked how the traffic study can be reliable when the bridges were closed. He suggested the Board consider an independent fiscal analysis.

TOWN OF AMHERST
Planning Board

January 3, 2023

DRAFT

Kyle Morse, County Road, stated that she appreciates the desire for collaborative dialogue. She stated that the applicant noted that he owns both sides of County Road, but there are significant portions of County Road that are not owned on both sides by the applicant. She asked how those sections of the road that are not owned by the applicant will be handled if they also need improvements. She noted that significant widening of the road might cut into her property. She noted that moving stonewalls, and taking down trees is not generally done lightly.

Dave McConville, 49 County Road, expressed concern regarding increased traffic when County Road becomes paved. Anyone who travels this road regularly knows it is heavily traveled and will only become more so.

Will Ludt, 3 School Street and representing the Heritage Commission, stated that he is glad to hear there will be an archaeological survey study done on the property. There is a potential Native American artifact along County Road, which he hopes will be addressed in this study. The area has already been marked with blue flags. He stated that preserving the rural character through historic stonewalls and foundations is important. Blowing through some of these stonewalls to get to some of the driveways along this road will lead to it not being scenic anymore. Amherst has never decertified a scenic road. He asked about preservation of the existing farmhouse on Upham Road. He asked if the applicant considered connecting to Pennichuck Water instead of having 51 wells drilled. He expressed one additional comment that he would like to make to the Chair and Vice Chair privately. Arnie Rosenblatt stated, with respect to the application, he would like all public comments to be made during the public meeting. Will Ludt stated that he would like the Board to acknowledge the number of inputs from other Town groups, such as the DPW and Heritage Commission. These Town boards and commissions take time and should be acknowledged. This is also important to detail out for the public. Arnie Rosenblatt stated that this is detailed in the Board's Findings of Fact and are generally reflected during the meeting. These are also consistently included both Staff comments and during discussion of the Board. Bill Stoughton stated that these are posted as well. Will Ludt stated that many people are not aware of these detailed areas. He would like a little pat on the back for the boards and commissions for their time and effort. Arnie Rosenblatt stated that he is very appreciative to those members of the community and on the various boards that provide their time. Many people on this Board spend a lot of time on these items too. Everyone is appreciative of everyone's efforts.

Arnie Rosenblatt moved away from public comment, noting that there will be additional time for public comment at future meetings on these items.

Arnie Rosenblatt stated that he would like the applicant to submit information to the Board regarding which portions of the proposed conservation lots are buildable under the current regulatory framework. Secondly, he would like the Board to consider which reports it would like a third-party review of. Also, he would like to know what the Board would like to do with respect to the requested waiver. Finally, he would like to have a conversation with Town Counsel regarding the conditions identified in the applicant's letter of December 2, 2023. The Board should then consider a realistic timeline for the next meeting on these items.

TOWN OF AMHERST
Planning Board

January 3, 2023

DRAFT

Bill Stoughton stated that he believes the assessment of County Road needs to be the first item discussed. He suggested asking the DPW Director whether he will do it himself or whether he needs engineering assistance. The DPW Director will likely want engineering assistance. If this is the case, a cost estimate from an engineering firm should be obtained. The ordinance provides that this would be funded by the applicant. With assistance, a report would be provided to the Board regarding proposed improvements which are occasioned by this development, and what the estimated cost is of making those improvements.

The Board discussed having a third-party review of the traffic report. Tom Silvia expressed concern that the traffic report does not give the Board any information about the potential increase in traffic that may occur if the road is paved and/or widened. Bill Stoughton explained that some other entity in Town may, at some point, decide that County Road needs to be paved. This is the perfect opportunity to try traffic calming measures along the roadway. He would like to know what it would cost to improve the existing road to the current standard. He stated that he believes the State law and ordinance are set up that the applicant can be made responsible for a proportionate share of the cost of improvements that are necessary.

Pam Coughlin agreed with the comments about the traffic report. She stated that any proposed improvements should consider the whole project. The Board needs to know the cost of the entire thing. Arnie Rosenblatt stated that this deals more with road improvements. Pam Coughlin stated that these two items work together. Improving the road could see impacts on traffic.

Brian Cullen stated that he believes Eric Slosek's letter indicates that County Road already does not comply with the Town's road standards. It is not necessarily proper to place the entire cost of this improvement on the applicant. He agreed that the large application will take a lot of time and work. He noted that the applicant requested that the Board consider each application separately and was then willing to present them all together as requested. He wants the Board to be fair to the applicant and consider moving forward with the three applications separately, without holding up two due to legitimate concerns regarding the third.

Chad Branon stated that the offsite improvements contemplate a lot of work on the applicant's property, not just within the Town's land. The right of way is very narrow, and the design should be initiated by the applicant. Typically, when relying on the DPW or the Town's engineer, an offsite exaction does not impose on an applicant's land. The applicant does not own land on both sides of the road for the entirety of County Road. In certain areas, this would require judgments onto someone else's property. The design should be initiated in this instance by the applicant.

Arnie Rosenblatt asked if the applicant is requesting to prepare a road plan, rather than the Town to start with. Chad Branon agreed.

The Board discussed a date for the site walk. Bill Stoughton stated that the frontage along County Road is critically important and should be reviewed on the site walk. The Board agreed to hold a site walk on January 31, 2024, at 1:30pm.

January 3, 2023

DRAFT

There was discussion regarding the fiscal impact study. Arnie Rosenblatt stated that this will be a shifting target and may not be able to be evaluated until the other conditions are clear.

There was discussion regarding the road design plan. Tom Silvia stated that he believes the engineering of the road needs to be considered before the amount of traffic impact can be determined. Arnie Rosenblatt stated that he believes a new road proposal needs to be submitted to start. He does not have a problem with the applicant creating this design, knowing that the Town will weigh in. Bill Stoughton stated he believes the Board should ask the DPW Director for a recommendation on what should be done. The applicant can also provide some input. Tracie Adams agreed that she believes the Board needs to hear from the DPW Director initially. Brian Cullen stated that he has no problem with the applicant drafting an initial road plan. Bill Stoughton stated this is not what the ordinance envisions. The DPW Director has a charge when examining a road, in terms of building it to the existing road standards. This is based on long-term viability of the road. Arnie Rosenblatt stated that he has not been persuaded that the ordinance does not allow for the DPW Director to review a proposed design from the applicant and weigh in on it. Bill Stoughton stated that the Board should ask the DPW Director what should be done to this road that is compliant with the road standards first. He does not want the DPW Director to react to a proposed design, but instead consider the applicant's thoughts when working with the engineer regarding what is necessary for the road. He does not want the DPW Director to be constrained by the applicant's design, but instead start from the road standards. He noted that the DPW Director would consider what is of interest to the applicant during the design. Tom Silvia and Tracie Adams agreed that this process should begin with the DPW Director, and the collaborative effort can then move forward. Bill Stoughton stated that the ordinance envisions that the DPW Director will then report back to the Board. The applicant can make any submission to the DPW Director during the process for consideration.

Bill Stoughton moved to request the DPW Director to provide an assessment of road and drainage improvements necessary and the estimated cost of those improvements, in accordance with Zoning Ordinance Section 4.19 N.2., noting that the applicant can submit its perspective to the DPW Director. Seconded by Tracie Adams.

Vote: 5-0-0 motion carried unanimously.

Regarding the stormwater waiver, Bill Stoughton stated that he does not agree with granting a waiver at this time. He believes there should be an assessment regarding how stormwater is managed on each of the lots using at least a notional building and driveway design. This does not need to include fully engineered details. Tom Silvia, Tracie Adams, and Pam Coughlin agreed that they are not in favor of granting the waiver request at this time. Brian Cullen agreed with not granting the waiver at this time, but again noted that these are three separate applications which should be handled in that way. It may be possible to consider a waiver for the first and/or second application alone.

January 3, 2023

DRAFT

Bill Stoughton moved to deny the requested waiver to provide stormwater management reports only upon application for a building permit. Seconded by Tom Silvia.

Vote: 5-0-0 motion carried unanimously.

The Board discussed the timeline for discussion of each application. Tom Silvia stated that condition #2 in the applicant's cover letter mentions the total yield for the three properties and it thus seems as though they should all be considered in totality. Chad Branon stated that this is unfair, as the applicant was requested to create the cover letter addressing all three applications in one. Bill Stoughton stated that, regarding the traffic study, the intersection of County Road and Upham Road affects all three applications. Chad Branon stated that changing this intersection would not impact any of the houses proposed in the two smaller applications at all. This would only impact the turning movement from County Road from Upham Road.

Arnie Rosenblatt stated that conversation on these items should be deferred until the Board's mid-February meeting. He stated that he would communicate with Town Counsel prior to that time. Bill Stoughton stated that he would communicate with Eric Slosek and Nic Strong prior to that time.

Bill Stoughton moved to continue the three applications to February 21, 2023, at 7pm at Town Hall. Seconded by Tom Silvia.

Vote: 5-0-0 motion carried unanimously.

OTHER BUSINESS:

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

Tom Silvia moved to adjourn the meeting at 10:15pm. Seconded by Bill Stoughton.

Vote: 5-0-0 motion carried unanimously.

Respectfully submitted,
Kristan Patenaude

Minutes approved: