

TOWN OF AMHERST
Planning Board

December 21, 2022

APPROVED

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

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

Arnie Rosenblatt called the meeting to order at 7:00pm. He explained that the Board will begin with the second item on the agenda, 24 BR Partners.

CONCEPTUAL CONSULTATION:

- 2. CASE #: PZ16279-090722 – 24 BR Partners, LLC c/o Ron Decola (Owner & Applicant); 24 Brook Road, PIN #: 010-026-000 – Subdivision Application. Proposed 38-unit elderly housing development with a community water supply and private septic systems. Zoned Northern Rural. Continued from November 2, 2022.**

Nic Strong explained that the applicant is requesting to withdraw this application at this time.

DESIGN REVIEW:

- 1. CASE #: PZ16438-101222 – Kevin Curran & Claudine Curran (Owners) & Meridian Land Services, Inc. (Applicants); Williamsburg Drive, PIN #: 008-094-000 – Subdivision Application – To depict a subdivision of lot 008-094-000 to create one new 2.17-acre lot with a 203 +/- acre remainder lot. Zoned Residential/Rural. Continued from November 2, 2022.**

Arnie Rosenblatt read and opened the hearing. He explained that this design review was continued from November 2, 2022, to allow the Board time to review Attorney Brad Westgate's letter addressing a possible interpretation of backlots and reduced frontage lots, along with other concerns.

Arnie Rosenblatt stated that there will be no decisions or binding statements made this evening. This evening is for the Board to give the applicant non-binding feedback. This is not a public hearing. He will allow public comment but reminded the public that no decision will be made this evening. Arguments made will likely be more effective at the time the Board addresses an actual application.

Arnie Rosenblatt explained that all Board members have had the opportunity to read Attorney Westgate's letter.

Ken Clinton, Meridian Land Services, stated that he has a couple of corrections/clarifications to address. He stated that he had believed more of the roads associated with this property to be public roads maintained by the Town. However, he has since checked with the DPW Director and found that the only roads in this area maintained by the Town are Williamsburg Drive and Walnut Hill Road. Thus, Embankment Road, Clark Island Road, etc. are private roads and

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privately maintained. Williamsburg Drive was deeded to the Town as a 50-foot wide right of way around 1971. This deed also notes that the road had a temporary cul-de-sac previously discussed. Regarding a previous question from one Planning Board member about the relative size of the adjacent lots to Williamsburg Drive, Ken Clinton stated that, approaching the cul-de-sac the average lot is approximately 1.16 acres.

Ken Clinton specifically addressed four items previously noted by Bill Stoughton. The temporary cul-de-sacs do not meet the Town's current standards. Regarding if this proposal could comply with the Town's driveway regulations to access the property, Ken Clinton stated that the preferred driveway location, as labeled on the plan, is situated along the frontage of Williamsburg Drive and not at all located on the temporary cul-de-sac portions. This is proposed strictly on the fee-ownership land that the Town maintains. He stated that he does not believe this proposal will have any issues meeting the applicable driveway regulations for the design of the driveway. It was previously suggested that the applicant consider extending Williamsburg Drive into this property. The town only has one geometric standard for cul-de-sacs at this time, with a 120' outside radius and a 75' inside radius for right of ways. The Williamsburg Drive cul-de-sac has been constructed with a 275' outside radius. Thus, the existing fully constructed cul-de-sac at Williamsburg Drive fits inside the inside edge of the Town's only available standard for cul-de-sacs. He stated that he believes the proposed design is egregious and unnecessary. If the end of Williamsburg Drive, with the same geometric position, was extended within the property, this would fit entirely within the 100' wetlands buffer and would actually impact the wetlands. If only a stub of the road was attached to the end of the 50' town right of way that already exists, this would require a half a dozen more homes and this is not reasonable or what anyone wants. Thirdly, there was a reference to Section 213.2.G, relative to the use of reduced frontage lots and if they could be restricted when, in the opinion of the Planning Board, that use is in conflict with the long-range plan for the Town or creates unusual traffic problems or conditions. Ken Clinton stated that a lot serviced by a driveway off a cul-de-sac is a customary and routine occurrence. Similar instances are found all over Town. He stated that he cannot foresee any conflicts, or any unusual traffic problems or conditions whatsoever with this proposal. The proposal shows a typical access for a cul-de-sac. Finally, there was a question as to if the applicant could or should consider complying with the posted zoning amendment for reduced frontage lots. Ken Clinton stated that the applicant simply cannot do this. The applicant was vested in the 2022 zoning ordinance, pre-posting of the proposed amendments. The long list of items that are required from the posted changes are unnecessary and some of them cannot be complied with in this application, for instance the proposed 300' setback to the frontage when the lot is only 300' wide. The applicant will not be pursuing this final item at this time.

Tracie Adams thanked Ken Clinton for his answers. She stated that she agrees with Ken Clinton that the use, according to Section 213, is customary and ordinary. She is still in support of the two previously listed waiver items.

Tom Silvia stated that he had no questions at this time.

Cynthia Dokmo stated that she had no questions at this time.

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89
90 Bill Stoughton stated that, regarding the interpretation of the reduced frontage regulations, the
91 regulation is susceptible to two interpretations. It appears that the Town in the past has allowed a
92 number of less than 10 acre reduced frontage lots, while these regulations have been in effect.
93 The Board is proposing ordinance changes that will clarify that ambiguity. He stated that he
94 would not insist on the interpretation that a reduced frontage lot must be 10 acres. He stated that
95 he is still concerned about this temporary cul-de-sac and using it as the jumping off point for
96 anything. He stated that he believes it is unclear what 'temporary' means and what was intended
97 for this. Putting another driveway on the cul-de-sac as it is currently configured seems to make it
98 more permanent and less temporary. He stated that it appears that the road is using some amount
99 of private property currently, without knowing the terms of the deed. He stated that he has a
100 concern with any use of the property off Williamsburg Drive. Ken Clinton stated that these items
101 will be addressed with a final application.

102
103 Tom Quinn stated that Section 213.1 - General states the purpose of reduced frontage lots. It
104 states that the Planning Board may approve subdivisions containing lots with reduced frontage as
105 a means of access to backlots. He stated that he takes this to read that backlots are the reduced
106 frontage lots and that reduced frontage is intended to access the lots created in the back. He does
107 not read it to be that reduced frontage lots service the front lot. He stated that he believes this is
108 the way it has traditionally been handled, in terms of prior decisions. The back part of the lot
109 could not be used or subdivided without a reduced frontage. The reduced frontage is intended
110 only to service the backlot, not the front lot.

111
112 In response to a question from Chris Yates, Ken Clinton stated that DPW Director Eric Slosek
113 confirmed that Embankment Lane and Noyes Lane are private, and that the Town does not
114 maintain them. Ken Clinton stated that he is unclear who maintains these roads. There are no
115 future plans for this property at this time, but these items would need to be addressed before
116 future plans can be made.

117
118 Pam Coughlin stated that she had no questions at this time.

119
120 Arnie Rosenblatt stated that he believes the regulation has ambiguity to it. He is tentatively
121 persuaded by the arguments made by Attorney Westgate on this matter. He asked for public
122 comment at this time.

123
124 Ken Clinton noted that he acknowledges that nothing is binding during this design review,
125 however, only two Board members have weighed in on this item. He asked if there is consensus
126 on the Board, as this is an important aspect of the proposal.

127
128 Arnie Rosenblatt stated that the Board will not take a vote on this item at this time. He noted that
129 the applicant heard from three Board members, himself, Bill Stoughton, and Tom Quinn. Based
130 on those that spoke, he would note that there does not seem to be a consensus. He stated that he
131 assumes other Board members are still weighing this item and not yet ready to express their
132 views.

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Brad Westgate stated that he is unclear if Tom Quinn was expressing a different opinion than the other two Board members. He believes that Tom Quinn was opining on the applicability of a reduced frontage lot in a non-backlot situation.

There was no public comment at this time.

Tom Silvia stated that, regarding the reduced frontage item, he sees both sides of the argument. He agreed with Tom Quinn's comment that this deals with the backlot and not the front lot.

Tracie Adams stated that the Staff Report noted that the Board may want to explain that the design review session has ended for the purpose of the calendar moving forward for this application. Ken Clinton stated that this is recognized by the applicant as well. Nic Strong noted that the statute states that the Board may declare that the design review period has ended to help with timing for the year that the applicant now has to submit a final application to be grandfathered in.

**Bill Stoughton moved that the Board declare that the design review period for this application has concluded. Seconded by Chris Yates.
Motion carried unanimously 6-0-0.**

Schedule any petitioned zoning articles for public hearing

The Board agreed that the date for this public hearing will be on January 4, 2023.

**Chris Yates moved that the Board schedule the zoning petitions for a public hearing on January 4, 2023, at 7pm, at Town Hall. Seconded by Tracie Adams.
Motion carried unanimously 6-0-0.**

OTHER BUSINESS:

3. Minutes: November 16, 2022, & December 7, 2022

**Tracie Adams moved to approve the minutes of November 16, 2022, as amended.
Seconded by Tom Quinn.
Motion carried 5-0-1 [C. Yates abstaining].**

**Tracie Adams moved to approve the minutes of December 7, 2022, as submitted.
Seconded by Chris Yates.
Motion carried 5-0-1 [T. Silvia abstaining].**

4. Any other business that may come before the Board

Cynthia Dokmo moved to adjourn at 7:25pm. Seconded by Tracie Adams.

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177 **Motion carried unanimously 6-0-0.**

178

179 Respectfully submitted,

180 Kristan Patenaude

181

182 Minutes approved: January 18, 2023