



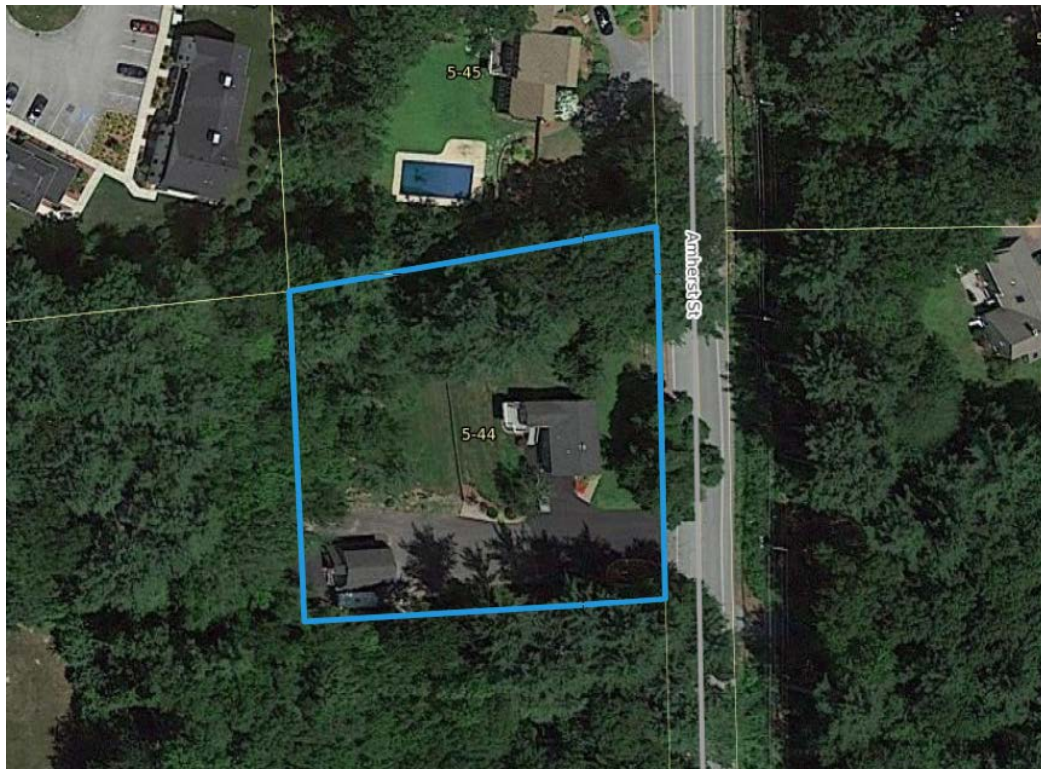
Town of Amherst, New Hampshire  
**Office of Community Development**  
Building · Code Enforcement · Planning · Zoning · Economic Development

### STAFF REPORT

**CASE #:** PZ18456-012324  
**MEETING DATE:** April 18, 2024  
**CREATED BY:** Nic Strong, Community Development Director  
**ZONING DISTRICT:** Residential Rural (RR) with Historic District Overlay  
**PROPERTY OWNER:** Bryan & Lynda (Tracey) Norwalt  
**APPLICANT/AGENT:** N/A  
**MAP/LOT:** Map 5 Lot 44  
**LOT SIZE:** 0.91 acres  
**LOCATION OF PROPERTY:** 98 Amherst Street

#### NOTE FOR COMMISSION MEMBERS:

- Until the application is accepted as complete, the applicant should not be asked to make a presentation. Procedurally, the HDC should consider completeness, consider regional impact, then ask for a presentation and then consider the merits of the application.



**PROJECT OVERVIEW:**

- Application was submitted on January 8, 2023.
- Description of proposed work:
  - Addition to the gable end in the driveway. 28 x 25 two-car garage. Living space above.
- Reason for proposed work:
  - Need garage for cars.
- Special conditions:
  - None provided.
- The house was built in 1985 and is non-contributing:  
Building Type: Split-Entry Form.  
Attributes to note: Rubble stone wall along road.

**BACKGROUND/CHRONOLOGY:**

- A deck was approved by the HDC in 2020.
- The pending application was continued from February 15, 2024, until March 21, 2024.
- The applicant requested a continuance to April 18, 2024, and agreed to extend the HDC's statutory timeframes for acting on the application.
- At the February 15, 2024, meeting, the HDC did not accept the application as complete but had a discussion with the applicant about what was missing. See attached minutes. The details are listed below:  
"The Commission reviewed the information provided by the applicant and noted the following:
  - the application needed to include the proposed addition in relation to the original house in order to view the massing;
  - the information the Commission needs is generally what will be required for construction drawings for the building permit anyway;
  - the height of the proposed addition in relation to the house was discussed as the applicant indicated the peak of the garage would be higher than the house;
  - the pitch of the roof should be indicated. The applicant noted that his current plan showed a different pitch for the addition than the existing house. This was noted to need discussion.
  - the applicant noted that some of the differences were because he had increased the roof height after he received the original plans. It was noted that this difference required the trusses to be redesigned and the plans need to be revised.
  - the height to peak of the addition was unknown;
  - windows would be double hung;
  - no garage door design was submitted.

The Commission discussed what information would be needed from the applicant for the next hearing: revised plans that included the addition in relation to the existing house, the massing, the rooflines, heights and other dimensions, window details, including wood construction, muntin thickness of 5/8", siding materials, fascia board materials, garage door materials and design, a site plan with distances to lot lines, wetlands, etc., elevations

of the proposed addition from all sides. The applicant stated that he would redo the plans and resubmit because he didn't realize those things were needed."

- I have emailed the applicant on three separate occasions regarding what was needed to complete his application. On the first occasion I attached the minutes. The second two times I cut and pasted the details into the emails.
- The applicant has submitted the attached renderings, but no other new information has been submitted as of April 15, 2024.

**SUBMISSION ITEMS:**

- An application form, completed and signed by Lynda M. Tracey & Bryan Norwalt (owners), was submitted on January 8, 2024, along with:
  - Amherst Village Historic District Application Checklist (missing Sheet 2);
  - Stormwater Management Procedure Sheet;
  - garage plans and elevations;
  - remodel estimate;
  - specifications document;
  - one page window overview;
  - one sheet truss description;
  - drop beam and header information sheets;
  - application fees in the amount of \$102 were paid on January 26, 2024.
- There are no outstanding fees.

**ITEMS REQUIRED PER SECTION 14.2 A. APPLICATION 2. COMPLETION:** (received Y, N, N/A)

Completed and signed Application Form with copies of plats, site plans, drawings, photographs, renderings, reference materials, specifications – Y

Fees - Y

Abutters list - list of names and addresses of applicants & abutters – Y - (Office prepared)

Names and mailing addresses of all abutters + 2 sets mailing labels - Y - (Office prepared)

Variations - N/A

Waivers - N/A

*Upon determination by the Commission that a submitted application is incomplete, the Commission shall notify the applicant of the determination in accordance with Section 14.1, A. 2., and shall describe the information, procedure, or other requirement necessary for the application to be complete in accordance with Section 14.2, A. 2.*

*Whenever an application for the alteration, construction, repair, moving, demolition, or change of use of any structure or place located within the Amherst Village Historic District is received, the Historic District Commission shall consider said application; and shall act to approve, conditionally approve, or disapprove the application within 45 days, unless an extension is mutually agreed to by the applicant and the Commission. That deadline would be February 22, 2024.*

**REGIONAL IMPACT:**

- Pursuant to NH RSA 36:56, I. "A local land use board... upon receipt of an application for development, shall review it promptly and determine whether or not the development, if approved, reasonably could be construed as having the potential for regional impact. Doubt concerning regional impact shall be resolved in a determination that the development has a potential regional impact."
- Pursuant to NH RSA 36:55, "...'development of regional impact' means any proposal before a local land use board which in the determination of such local land use board could reasonably be expected to impact on a neighboring municipality, because of factors such as, but not limited to, the following:
  - I. Relative size or number of dwelling units as compared with existing stock.
  - II. Proximity to the borders of a neighboring community.
  - III. Transportation networks.
  - IV. Anticipated emissions such as light, noise, smoke, odors, or particles.
  - V. Proximity to aquifers or surface waters which transcend municipal boundaries.
  - VI. Shared facilities such as schools and solid waste disposal facilities."
- Pursuant to NH RSA 36:57, I. "Upon determination that a proposed development has a potential regional impact, the local land use board having jurisdiction shall afford the regional planning commission and the affected municipalities the status of abutters as defined in RSA 672:3 for the limited purposes of providing notice and giving testimony."
- Pursuant to NH RSA 36:57, II. "Not more than 5 business days after reaching a decision regarding a development of regional impact, the local land use board having jurisdiction shall, by certified mail, furnish the regional planning commission and the affected municipalities with copies of the minutes of the meeting at which the decision was made. The local land use board shall, at the same time, submit an initial set of plans to the regional planning commission, the cost of which shall be borne by the applicant."
- **The Commission should discuss regional impact with regard to this application.**

**CHECKLIST ITEMS:**

- See the details from the February 154, 2024, minutes regarding what is missing.

**GENERAL CRITERIA:**

- See Historic District Commission Regulations, Article II.

**PRESERVATION GUIDELINES:**

- See Historic District Commission Regulations, Article III.

**CHANGES TO EXISTING STRUCTURES:**

- See Historic District Commission Regulations, Article VI.

**WINDOWS:**

- See Historic District Commission Regulations, Article X.

**ROOFS:**

- See Historic District Commission Regulations, Article XI.

**NEW EXTERIOR ADDITIONS:**

- See Historic District Commission Regulations, Article XIII.

**STAFF OBSERVATIONS:**

- The application states that the space above the garage will be living space. It is not clear if this will be an Accessory Dwelling Unit or just finished space. If it is to be an Accessory Dwelling Unit there are requirements in the Zoning Ordinance that will need to be met at the time a building permit is submitted which includes septic design, size, and number of bedrooms. An Accessory Dwelling Unit would also be subject to impact fees.
- The truss depiction does not appear to meet the snow load required of 70-lbs per square foot.
- The plans are not particularly clear but the application is apparently taking an existing garage and making it a great room, and adding living space.
- The aerial photograph of the property seems to show two structures on this lot. It is not clear from the property card, the aerial photograph and the sketches submitted exactly which structure is being impacted. The applicant should be put on notice that all other aspects of the Zoning Ordinance including setbacks must be complied with as part of any building permit application.

**FINDINGS OF FACT:**

- Pursuant to recent changes to RSA 676:3, all local land use boards have to include specific findings of fact that support any decision to approve or disapprove an application for a local permit.

**COMMISSION OPTIONS:**

- The Commission could move to table the application should there be a need for further information to be submitted/research to be performed, etc. **The applicant should be asked to agree to any continuance which would extend beyond the February 22, 2024, deadline date, which at this point in time is any continuance.**
- The Commission should discuss the completeness of the application.
- The Commission should discuss the Regional Impact issue.
- The Commission could consider moving to approve the application.

NS/

4/15/24