



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

**TOWN OF AMHERST
PLANNING BOARD
NOTICE OF DECISION**

CASE #: PZ19958-012125
MEETING DATE: April 2, 2025
CREATED BY: Gloria Norcross, Town Planner
ZONING DISTRICT: Residential Rural (RR) with Wetland & Watershed
Conservation District (WWCD) overlay
APPLICATION DESIGNATION: Regional Impact
PLAN TITLE and DATE: NHDES Wetland Permit and CUP Plan Set Map 5 Lot 127
Prepared for: Michael Emond & Kathryn Steele Amherst,
New Hampshire
Scale: 1" = 50' August 26, 2024
PROPERTY OWNER: Michael Emond and Kathryn Steele
APPLICANT/AGENT: Taylor Dessureault, CWS, Meridian Land Services, Inc.
MAP/LOT: Map 5 Lot 127
Map 5 Lot 127-2
Map 5 Lot 127-3
LOT SIZE: Map 5 Lot 127: 2.29 acres
Map 5 Lot 127-2: 5.47 acres
Map 5 Lot 127-3: 3.03 acres
ROAD FRONTAGE: Christian Hill Road
LOCATION OF PROPERTY: 67 Christian Hill Road

You are hereby notified that the Conditional Use Permit as cited above has been conditionally approved by majority vote of the members of the Planning Board on April 2, 2025, on the motion:

I **MOVE** to approve Case #PZ19958-012125 for Michael Emond and Kathryn Steele, for the above cited Conditional Use Permit of Map 5 Lots 127, 127-2, & 127-3, 67 Christian Hill Road, to impact 568 s.f. of palustrine emergent/scrub-shrub wetland and 1,974 s.f. of wetland buffer to construct a shared driveway for residential access with the following conditions:

CONDITIONS PRECEDENT

Conditions Precedent: The following conditions must be satisfied prior to the Planning Board Chair signing the plans.

1. Submission of plans and other documentation that include all the corrections noted above, any details determined by the Planning Board to be required, and any waivers granted.
2. Incorporation of comments provided by Keach Nordstrom into the final plan, based on the letter dated March 26, 2025.
3. Receipt of an estimate from Keach Nordstrom for the cost of inspections to verify compliance with the approved plan. The required funds are to be provided prior to site disturbance.
4. Submission of any required legal language for review and approval by Town Counsel at the applicant's expense.
5. Submission of any required State or Federal permits.
6. Payment of any outstanding fees for the CUP application, including any fees for recording at the HCRD, if applicable.

SUBSEQUENT CONDITIONS:

Conditions Subsequent: The following conditions subsequent shall be met during construction and on an on-going basis:

1. Submission of an as-built plan prepared by a licensed land surveyor in the State of NH to verify compliance with the approved plans, and to detail construction of structures, driveways, pervious pavers, drainage infrastructure, grading, and so on, prior to the issuance of a Certificate of Occupancy.
2. This approval is based upon the plans, specifications, and testimony submitted to the Planning Board. Any alterations, additions, or changes to the plans are not authorized and may require additional Planning Board approval.
3. Submission of proof of recording of any required legal documentation.
4. The applicant shall comply with all of the Town of Amherst's Zoning Ordinance, Subdivision Regulations, Non-Residential Site Plan Review Regulations, and Stormwater Regulations.
5. Substantial construction must commence within one year of the Planning Board approval of the Conditional Use Permit.
6. If construction is not commenced within this period, the Conditional Use Permit approval may be extended for up to one additional year upon approval of the Amherst

Planning Board provided the applicant has been diligent in proceeding with its project and in requesting the extension. Any extension request shall be made in writing prior to the conclusion of the original approval period and in the appropriate time for consideration by the Planning Board at a regularly scheduled public meeting. If approvals are not obtained or construction is not commenced within this extended period, as applicable, the Conditional Use Permit is declared null and void.

FINDINGS OF FACT:

Application Description

Case #: PZ19958-012125. Michael Edmond & Kathryn Steele Owners, 67 Christian Hill Road, Map 5 Lots 127, 127-2, and 127-3. The applicant seeks approval of a Conditional Use Permit (CUP) to impact 568 s.f. of palustrine emergent/scrub-shrub wetland and 1.974 s.f. of wetland buffer to construct a shared driveway for residential access to Map 5 Lots 123, 123-2, and 123-3. The lots are in the Residential Rural Zone with Wetland & Watershed Conservation District (WWCD) overlay.

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

Application Completeness

The Planning Board reviewed documents provided and determined that the application was sufficiently complete to proceed with consideration by the Board per RSA 676:4. I (b).

Land Usage Requirements

The proposed land use meets the existing land uses permitted in the Zoning District which is Residential Rural.

Environmental Requirements

The Wetland and Watershed Conservation District (WWCD) Purpose and Section 4.11 of the Amherst Zoning Ordinance requirements for a Conditional Use Permit in the WWCD have been met to the satisfaction of the Planning Board for this application. Any further construction would require a Conditional Use Permit.

The ACC (Amherst Conservation Commission) recommended suggestions for restoration of the native vegetation within the buffers, offset of wetland and buffer impacts including expansion and protection of a buffer area beyond the proposed 25 ft setback, and placarding that will note the boundaries of the buffers will be required.

Stormwater Management

No Stormwater Plan or waiver was presented.

The CUP (Conditional Use Permit) plan will include a note stating that future use of the lot will require a Stormwater Management Plan.

Waivers

No waivers were requested.

Conditional Use Permit Requirements

The Board is satisfied that the applicant achieved the purpose of the WWCD (Wetland & Watershed Conservation District) Section C, to protect health, safety, and general welfare of the public by promoting the most appropriate use of the land and by protecting wetlands and surface water ecosystems and water quality in accordance with the goals and objectives of Amherst's adopted Master Plan.

The Board is satisfied that the applicant has met the conditions required in Section 3.18 C,1, a-g which include addressing dimensional requirements, the purpose of the ordinance, adverse impacts, use in the zone, impact on ground water resources, and consistency with the rural aesthetics and character of the town.

The ACC (Amherst Conservation Commission) recommended suggestions for restoration, offsetting impacts, and placarding will be required.

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.


Gloria Norcross
Town Planner

April 3, 2025
Date

GN/

4/3/25