



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

NOTICE OF DECISION

CASE #: PZ18950-051524
MEETING DATE: June 19, 2024
CREATED BY: Nic Strong, Community Development Director
ZONING DISTRICT: Residential/Rural (RR) District with Wetland and Watershed Conservation District (WWCD) Overlay
APPLICATION DESIGNATION: WWCD CUP
PLAN TITLE and DATE: Conditional Use Plan Muessig Residence Located at: 70 Chestnut Hill Road Amherst, New Hampshire Prepared for/Owner: Peter Adam & Kristin Nicole Muessig 2312 Watson Street Houston, TX 77009
Scale: varies March 27, 2024, rev. May 13, 2024
PROPERTY OWNER: Peter Adam & Kristin Nicole Muessig
APPLICANT/AGENT: Craig A. Francisco, LLC, Bedford Design Consultants, Inc.
MAP/LOT: Map 10 Lot 28-1
LOT SIZE: 13.810 acres
ROAD FRONTAGE: Chestnut Hill Road
LOCATION OF PROPERTY: 70 Chestnut Hill Road

You are hereby notified that your WWCD Conditional Use Permit as cited above has been conditionally approved by majority vote of the members of the Planning Board on June 19, 2024, on the motion:

I **MOVE** that the Board finds the application satisfies the criteria of Section 4.11 I. 1. of the Zoning Ordinance, addressing the findings required for approval of a Conditional Use Permit in the Wetlands and Watershed Conservation District; and, further, to approve Case # PZ18950-051524 for Peter Adam and Kristin Nicole Muessig, for a Conditional Use Permit for site improvements in the WWCD at 70 Chestnut Hill Road, Tax Map 10 Lot 28-1, as shown on the plan dated March 27, 2024, most recently revised June 12, 2024, with the following conditions:

CONDITIONS PRECEDENT:

The following conditions must be satisfied prior to the Planning Board Chair signing the Conditional Use Permit.

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. Receipt of an estimate from Keach Nordstrom for the cost of inspections to verify compliance with the approved plan. Once the applicant submits the funds to be held in escrow, the plans will be approved, and construction can begin.
3. Submission of any required legal language for review and approval by Town Counsel at the applicant's expense.
4. Payment of any outstanding fees for the CUP application, including any fees for recording at the HCRD, if applicable.

CONDITIONS SUBSEQUENT:

The following conditions subsequent shall be met during construction and on an ongoing basis.

1. Inspections of the project in accordance with the estimate and proposal from Keach Nordstrom Associates, Inc., to include installation of erosion controls and construction/installation of drainage structures, installation of pervious pavers.
2. 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.
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. 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.
6. Substantial construction must commence within one year of the Planning Board approval of the Conditional Use Permit.
7. 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 #: PZ18950-051524. Peter & Kristin Muessig Owner and Applicant. 70 Chestnut Hill Road, PIN #: 010-028-001 Zoned Northern Rural. This is an application for a Conditional Use Permit in the Wetland and Watershed Conservation District (WWCD). Application to show existing conditions and the location of a proposed portico and additional sidewalks on Tax Map 10 Lot 28-1 within the 100 feet wetland buffer area.

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).

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.

Conditional Use Permit Requirements

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, meeting the purpose of the ordinance, adverse impacts, use in the zone, impact on ground water resources, filing a Non-Residential Site Plan Review application, and consistency with the rural aesthetics and character of the town.

Stormwater Management

Section 3.H provides for the Planning Board to waive Stormwater Regulations under specific conditions. The applicant demonstrated these conditions were met to the satisfaction of the Board noting that the two mitigation measures suggested by the Amherst Conservation Commission (ACC) will be included.

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.



Nic Strong
Community Development Director

June 25, 2024
Date

NS/

6/25/24

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