

**AMHERST PLANNING BOARD**  
**Wednesday September 6, 2017**

In attendance: A. Rosenblatt- Chair, S. Wilkins, P. Lyon-Selectman Ex-Officio, M. Dell Orfano, M. Peterman, E. Hahn, R. Hart, C. Harris and Community Development Director G. Leedy

A. Rosenblatt called the meeting to order at 7:32pm.

**1. Case #: PZ8958-081017– Ducal Development LLC (applicant) & Stickney Family Revocable Trust (Owners) – 137 Hollis Road, PIN #: 001-012, 13-2&1. Request for a Conditional Use Permit to depict a conceptual 32-unit Planned Residential Development and Elderly Housing development. Zoned Residential/Rural.**

The property (PIN #001-012, 001-013-001, 001-013-002) is located at 137 Hollis Road in the Rural Residential district. The lot is approximately 30.6 acres in three parcels. The property is the site of an existing single- family home, with a detached two-car garage, and a detached barn building.

The applicant has applied for a Conditional Use Permit for a mixed residential development on the property. The proposal is to build 32 units of housing in a mix of elderly, non-age restricted, attached and detached units, and rental and for-sale homes, including reuse of the existing house on the property. This is the first project to be submitted under the IIHO zoning provisions.

Ken Clinton from Meridian presented the information.

The applicant is seeking a CUP which is the precursor to a non-residential site plan. The property is mostly woods with a single- family home, a detached two-car garage and a detached barn building.

Ken said a CUP has six conditions that need to be met and we feel we've done that. He addressed each of the conditions as follows:

A. The project is in conformance with the dimensional requirements of the zone. The proposed use is consistent with the master plan. There is a high desire in the housing chapter for open space, community areas, community septs and mixed-use designs for developments. This project does all of that. There are three parcels with a gross area of 30.6 acres. Subtract out the wetlands and slopes and you are left with a net area of 23.4 acres.

B. The proposed development meets the purpose of the IIHO. It preserves the rural aesthetics of the town. There is 600 feet from the access road to where the loop begins. The closest home to Rte. 122 on the loop is 250 feet away. There will be little to no visual impact from the road. The proposal has housing for diverse populations and demographics. The PRD homes will qualify as starter homes in terms of size- though not necessarily as affordable homes. There will also be elderly housing which adds a mixed- use factor.

C. There won't be any adverse or significant impact to health, safety or welfare. The design will meet or exceed town and state approvals. The development would likely use shared leach fields and all town and state requirements would be met. The site will be served by Pennichuck water which would create an extension to serve this property. Access off Rte. 122 would be made under the supervision of the State. Driveway access will require a driveway permit.

D. The project will not be objectionable in terms of noise, vibration, lighting or odors. They have situated the senior housing closest to the closest abutters assuming those units will be quieter without young families.

E. The project will not adversely affect groundwater resources. Water will be serviced from Pennichuck rather than drilled wells and septic systems will be shared between 2-4 units.

F. If the board grants the CUP, the next step is to create a non-residential site plan. The ownership for the project will be condominium in general though some units will be rented.

Gordon clarified the steps the board should follow. Address the CUP first, then if approved, a site plan meeting will occur. The board can decide to approve both the number of units and the CUP at the same time or approve the CUP conditionally.

A. Rosenblatt suggested the board hear Ken's argument for numbers of units, then take board questions at the end.

Ken said the buildable area is 23.4 acres. The base zoning is two acres per unit. That equates to 11.7 units as a base number to start with.

32.005 is the total number of units he comes up with after adding in the bonuses. He handed out a spreadsheet that he created and walked the board through each of the bonuses separately to describe to the board how he came up with his numbers.

The first (existing) house would be two PRD rental units. A second duplex next to it would also be PRD and deed restricted to rental units.

He discussed walkability. There is an existing walking loop that will work great for people to meet their neighbors and walk the loop for exercise. He believes this meets the requirement for that bonus.

Community meeting area: There is a ½ acre of area designated for this.

Open space: A PRD includes restrictions for this, so this will be done.

Open space improved and open for public: There will be parking lots and access to on-site trails.

Pennichuck water will be used so that utility will need to be extended. It may be only a couple hundred feet, or it could be quite a long extension- not sure yet.

Board questions

C. Harris said the potential trails should be protected so yard fences don't go up blocking the entrances.

Ken stated the trail entrances will probably have a stone-dust layer.

C. Harris wondered if between units 22 and 23 there will be a larger area of parking. He wants to minimize the occurrence of public parking in front of those units to access the trails. Ken said it will depend on how large the other community parking area ends up being.

C. Harris wondered what Ken meant by 'starter home by size'. Ken clarified two bedrooms or possibly 3 bedrooms with 1200-1800 sq. ft. plus basements for some depending on grading.

They discussed septic systems. There will be individual tanks. Not sure of material yet. He mentioned some options.

P. Lyon asked for clarification if there is one piece of open space, or multiple. There is one, which meets multiple conditions for multiple bonuses.

P. Lyon commented that he likes the diversity of the plan. It's accomplishing what the IHO is meant to do. However, the tripling effect of the bonuses troubles him.

M. Dell Orfano stated several units are contingent on open space restrictions and walkability. It is important in the planning that the open space/ walkability is good enough to deserve the bonuses. He likes the diversity of the units and the overall layout of the units. He looks forward to seeing the layouts of each unit.

M. Peterman said the town needs this kind of housing. The presentation was clear and concise and the intent was worked into the proposal. Will there be garages? Yes, the intent is to have 1-car garages with enough room in the driveway for 1 car in front and a space to the side as well.

M. Peterman said the affordability of the units is important.

Walkability on the road without the sidewalks is workable. Trails should be maintained so that they are always walkable.

A couple of areas of guest parking would be best.

She clarified with Ken that these are intended to be condos so there will be covenants and an association.

S. Wilkins agreed it was a great, logical presentation. The amenities section is more subjective and that's why the board needs to see greater detail before we agree on a final number. The proposal can be made to work. There are some categories that are easy to confirm the number bonuses allowed. But because of the categories that are subjective, she predicts the board will either grant the CUP for a maximum number of units or wait to approve the number of units until the board sees the non-residential site plan.

In terms of the restrictive covenant, a PRD does require that the land cannot be further developed, but we will probably want to see a third-party conservation easement on that open space. That protects the land from any future encroachment.

The walkability does work, but she wants to see more about the community area.

They discussed the original base number and if in the future the board wants to allow rounding up for the base number or not. They also discussed how some of the criteria is subjective.

E. Hahn said 7.7 two-bedrooms can't be used as a number of units. It has to be 7 or 8 and it can't be 8 because he already used the other 4 in the single bedroom count. It's something to think about for consistency since this is the first plan we are seeing of this type. He also suggested restricted hours for the public open space use would be wise.

R. Hart asked how big the open space area is. Is it big enough for a soccer area? No, the community space is not big enough for that. And the parking wouldn't support it. The homeowners association would maintain the area.

M. Dell Orfano asked if all units are either one or two-bedrooms. Not necessarily. Ken confirmed that the proposal calls for at least 4 one-bedrooms and at least 7.7 two-bedrooms. There can certainly be more of each up to his max units, but there can also be more bedrooms in other bonus units.

Ken said that they know they may lose units if, after more research is done, they make changes to the plan that alter the amount of bonuses they are allowed.

143 A. Rosenblatt said the presentation was really done well. He posed the following:  
 144 How do we protect the town's interest? This application is a big deal, because this is the first time we  
 145 are hearing a case like this under the new ordinance. We have to be careful how we apply this.  
 146 He would like to have a site walk.  
 147 He is openly not as in favor of these proposals as others on the board. He has gone along with it because  
 148 it is less terrible than some we already have.  
 149 - Do we care about each specific bonus?  
 150 - What do we need to accomplish what we want, and does this plan do that? If not, don't give the  
 151 bonuses  
 152 These questions should determine how this project should be evaluated. We should take our time  
 153 before deciding anything.  
 154  
 155 Public comment  
 156 Richard Carpenter- Patricia Lane- President of HOA  
 157 He has concerns about the water and wonders if there will be wells. No, Pennichuck will supply the  
 158 water by extending the line.  
 159  
 160 Ken Bury- Patricia Ln  
 161 He has concerns about the intersection. When you take a left out of Patricia Lane towards Rte. 122  
 162 there's a hill and it's hard to see. Also the church on Patricia Lane has functions that block up the traffic  
 163 flow in that area.  
 164  
 165 Dean LaFleur- Wilton NH- formerly of Amherst  
 166 He brought up several concerns: water and salt run-off once the houses go in; lighting; septic; signage;  
 167 excavation/blasting. The board stated many of these issues will be dealt with in the next stage of the  
 168 process. He asked about the location of the driveway for the existing house and Ken said it will be  
 169 determined by the configuration of the units in that structure.  
 170 Mr. LaFleur stated the trail there is a great hang out spot and thinks it will be popular. He encouraged  
 171 putting in a parking area for trail goers.  
 172  
 173 M. Dell Orfano asked if that is the right- of- way where the gas line was proposed. Yes, Eversource owns  
 174 it in fee-it's not an easement.  
 175 Gordon said it would require a joint- use agreement.  
 176  
 177 S. Wilkins said the ACC has a trail agreement document that can be filed. Ken will make some inquiries  
 178 to see if there's interest from them.  
 179  
 180 R. Hart wondered if the driveway could come straight out towards Patricia Lane so they enter Rte. 122  
 181 from the same intersection. Ken said unfortunately, it won't work because the two roads cannot be  
 182 exactly across from each other and if they are slightly off, that's worse.  
 183  
 184 The board preferred to move forward with a site walk.  
 185 S. Wilkins proposed to approve the CUP for an 'up-to' certain number of units.  
 186  
 187 **M. Peterman moved to approve the CUP for up to 32 units. S. Wilkins seconded.**  
 188 Discussion

M. Dell Orfano said this is the first time he's seen the math. His calculations come up with 29 units, but he hasn't had time to digest the numbers. He would like to do the site walk. He's conflicted- if the percentage allowances are by right, the 32 is affirmed. But his math doesn't add up.  
P. Lyon said a site walk would be best.

**Vote: the motion did not pass with M. Peterman and S. Wilkins the only members voting in favor**

**S. Wilkins moved to table the CUP application to Wednesday September 20<sup>th</sup> so a site walk can occur.  
M. Peterman seconded. All in favor**

The site walk was scheduled for Saturday morning September 9<sup>th</sup>.

**2. CASE #: PZ9001-082217 – LaBelle Winery, LLC (Applicant/Owner) & Friends of Young Judaea (Owner) – 345 Route 101, PIN #: 008-057-00 & 008-058-000 – Discussion for a concept plan for potential new building, parking & infrastructure. Zoned Residential/Rural.**

The property (PIN #008-057-000) is located at 245 NH Route 101 in the Rural Residential district. The property is the site of the existing LaBelle Winery facility. The existing property is approximately 11.25 acres, and the uses have been approved by variance in the Residential District.

The applicant has received a variance to expand the uses on the property into an area of land to be acquired from Camp Young Judea and Pan Am Railroad. It is a condition of the variance that a lot line adjustment will be completed prior to filing a Non-Residential Site Plan application for the expanded facility. The applicant provided testimony at the ZBA that some of the facilities previously proposed for 340 NH Route 101 (Lot 008-059-000) on the northerly side of Route 101 would be relocated to this property, if approved by the ZBA and the Planning Board.

Ken Clinton from Meridian reminded the board that the original proposal was to expand the winery across the street. The ZBA had approved the project, but the approval was appealed. It was approved again, and then went to court. In the meantime, the applicants began to consider other options. They have a good relationship with their neighbor, Camp Young Judea and through discussions determined some of their land could be considered. The camp is bisected by Camp Rd and there is a mostly unimproved portion of land behind LaBelle. Most of the camp activities occur on the other side of the road.

The applicants started to consider putting some of the ZBA approved uses behind the winery rather than across the street.

Ken presented the new concept plan to the board.

He described the improved lot and the land in question for the board. Meridian looked at the land to figure out what could fit in there around the wetlands, soil and setbacks. He looked at fitting in not just the building, but the parking, drainage and septic as well.

They surveyed, did wetlands flagging and test pits.

There is 3.5- 4 acres there that can be utilized behind the current winery. This land would not be sufficient for all the uses they proposed in the last plan, but they considered which of those uses could work on this land area.

236 The camp owns the land, but also the railroad owns the old rail bed. The applicant worked through that  
237 issue and there is an agreement between Camp Young Judea and Pan Am for the applicant to acquire  
238 this 13- acre parcel.  
239 Of the 13 acres, there are 3-4 buildable acres. The remaining area is a desirable landscape. It could be  
240 used for wedding photos.  
241  
242 Parking would be paved. The building that was previously proposed across the street for a distillery,  
243 small event center and offices can fit in that area behind the winery. He showed on the plan where leach  
244 fields and drainage would be.  
245 The winery has some needs more pressing than others: more office space, more function space, a  
246 distillery with a tasting room. The inn may be part of a future plan for across the street, but it won't be  
247 on this land area.  
248  
249 M. Peterman asked how this new building is accessed. Ken showed her on the map.  
250  
251 They discussed and clarified the break-up of the original plan with which uses would be on each side of  
252 the road.  
253 They clarified what stage this case is in with the appeal process as follows:  
254 Ken said some mediation has occurred. If the applicants can move these uses from across the street to  
255 behind the winery, then the rest of the challenge against the project will be dropped. Admittedly, that is  
256 an oversimplification of the situation, but it's the basic idea.  
257  
258 While this new project goes through the zoning and planning processes, the case is being  
259 continued/stayed. Both proposals are not moving forward separately.  
260  
261 S. Wilkins asked if the proposed building is bigger than the existing building. It hasn't been designed yet.  
262  
263 M. Dell Orfano asked if moving this use to this side of the road is a condition of mediation. No, there's  
264 been no formal agreement.  
265  
266 P. Lyon commented he likes that this keeps winery traffic from being on both sides of Rte. 101.  
267  
268 Public comment  
269 None  
270  
271 OTHER BUSINESS  
272 Minutes: August 2, 2017  
273 Line 37 to read: Tom said the property was subdivided several years ago....  
274 Line 62 to read: ... and it just needed to be modified  
275  
276 **M. Dell Orfano moved to approve the minutes of August 2<sup>nd</sup> as amended. M. Peterman seconded.**  
277 **All in favor with P. Lyon and C. Harris abstaining**  
278  
279 **M. Peterman moved to adjourn at 9:48pm. C. Harris seconded. All in favor**  
280  
281 Respectfully submitted,  
282 Jessica Marchant