

# Town of Amherst Development Regulations

## Planned Residential Development (PRD)

### Regulations

4-1

#### **1. Purpose and Goals**

Section 4.17.A of the Amherst Zoning Ordinance states: “Planned Residential Development allows an alternative pattern of land development to the pattern permitted in the Residential/Rural, Northern Rural, Northern Transitional, and Commercial Zones. It is intended to encourage the preservation of open space and, at the same time, provide for a greater variety of housing types and affordability in the Town of Amherst at somewhat greater densities than permitted elsewhere in the Zoning Ordinance, without causing a significant increase in the town-wide population density. It is envisioned that in a PRD, dwelling units will be constructed in clusters which are harmonious with neighborhood developments and housing, and with natural surroundings. These clusters shall detract neither from the ecological and visual qualities of the environment, nor from the value of the neighborhood, environment, or the Town. The PRD should contain a variety of housing types to accommodate the Master Plan purposes of encouraging a diversity of people, a variety of age groups of different interests, backgrounds, and economic levels. The overall site design and amenities should enhance the quality of living for the residents of the development and, in general, the neighborhood and the Town. The Board shall determine whether the proposed PRD, namely the site plan or layout, and number, type, and design of the proposed housing is suitable to the neighborhood within which it is to be located and is consistent with the Master Plan and its reasonable growth objectives.”

The purpose and goals of these regulations are:

- A. to provide procedures for submission and review of PRD applications;
- B. to establish reasonable limits of, and the manner of determining, the “somewhat greater densities” allowed in the ordinance;
- C. to set forth several of the factors important in maintaining the visual qualities of the environment;
- D. to require applicants to explain how the proposed PRD enhances the quality of living for the residents of the development and, in general, the neighborhood and the Town, and to ensure such enhancements are present if increased densities are permitted;
- E. to reinforce the ordinance requirement that proposed PRD developments are intended to be constructed in clusters and to preserve open space and visual qualities of the environment, by clarifying that additional traditional frontage development is disfavored.

#### **2. Authority**

The provisions of these regulations are adopted pursuant to NH RSA 147:1, Local Regulations; RSA 674:16, Grant of Power; RSA 674:17, Purposes of Zoning Ordinance; RSA 674:21 Innovative Land Use Controls; RSA 674:36, Subdivision Regulations; and, RSA 674:44, Site Plan Review Regulations.

#### **3. Requirements**

##### **A. Application**

An applicant for approval of a proposed PRD shall make application to the Planning Board as a Conditional Use Permit but otherwise in the same fashion and with the

information specified in the Subdivision Regulations and as set forth below.

1. Solely as an aid to the Board, the applicant shall present a “baseline density” plan demonstrating the dwelling unit development density supported by the subject property if applicable statute, ordinance, and regulation requirements are observed without waiver, including but not limited to zoning lot size requirements, frontage requirements, wetland and wetland buffer restrictions, septic system reserved areas, wellhead exclusion areas, avoidance of building on steep slopes and in floodplains, and provisions for stormwater management features outside of wetland buffers. The applicant shall be prepared to demonstrate that the baseline density plan is economically feasible (e.g., does not require unusually expensive or elaborate infrastructure). The baseline density plan shall have sufficient detail to aid the Board in reaching its own determination of a reasonable and feasible baseline density but need not include all the detail required of a final plan. The Board may have such plans reviewed for compliance with statutes, ordinances, regulations, and for feasibility by a third party at applicant’s expense.

2. The applicant shall submit plans and other documentation for its proposed PRD development in compliance with the following:

- a. The plan shall maintain the visual qualities of the neighborhood, in part, by maintaining the rural aesthetic and character of the town as consistently valued by its residents, including in the Master Plan. The determination of whether rural aesthetic and character is maintained necessarily involves the exercise of discretion by the Board. Factors relevant to the determination will vary from application to application based on unique site characteristics and may include, but are not limited to, the following factors:
  - (1) the density and frontage requirements of the underlying zoning district;
  - (2) the density of the clustered units;
  - (3) retention of views of natural features such as brooks and hills both from existing roads and residences and from housing units proposed for the PRD;
  - (4) retention and integration of rural heritage features such as stone walls and open fields,
  - (5) retention of mature native trees between housing units and in the development in general;
  - (6) use of setbacks in excess of minimum requirements and use of varied setbacks;
  - (7) use of densities and layouts that provide for views of space between units from numerous locations and view angles along adjacent and approaching roads;
  - (8) maintenance of views of undeveloped land and of distant locations from existing roads and from proposed PRD units;
  - (9) favoring of harmonious variation in layout and in architectural style rather than repetition;
  - (10) the avoidance of lot placement along frontage of existing public roads rather than in clusters, so as to maintain the presence and views of undeveloped land; and

- (11) use of internal central areas such as greens, ponds, gardens, and park areas that permit the sense of a natural core within the cluster.
- b. The plan shall preserve open space as required herein and shall provide the documentation the applicant proposes to record to ensure the open space is permanently protected.
- c. The plan shall include a variety of housing types to accommodate the Master Plan purposes of encouraging a diversity of people, a variety of age groups of different interests, backgrounds, and economic levels. The application shall describe and provide documentation demonstrating how any permissible and applicable restrictions on housing ownership will be administered and maintained. Any such restrictions must comply with applicable federal and state law to be approved.
- d. The plan shall favor dwelling units constructed in clusters that are harmonious with neighborhood developments and housing, and with natural surroundings. Clusters are intended to reduce the use of traditional lots with full road frontage rather than be used in addition to such lots.
- e. The plan shall describe how the overall site design and amenities enhance the quality of living for and provide benefit to the residents of the development, the neighborhood and the Town.
- f. The plan shall meet the conditions for issuance of a Conditional Use Permit set forth in section 3.18 of the Zoning Ordinance.

**B. Board Determination**

1. The Board shall determine the reasonable and feasible baseline density for the subject property, which shall not be more than the number of dwelling units that could be feasibly constructed on the subject property if applicable statute, ordinance, and regulation requirements are observed without waiver.

2. The Board shall determine whether the proposed PRD, namely the subdivision plan or layout, and number, type, and design of the proposed housing, is suitable to the neighborhood within which it is to be located and is consistent with the Master Plan and its objectives. The Board shall be guided by the objectives and standards set forth in the Purpose and Requirements sections above in making its determination.

3. In doing so, the Board in its discretion may, but is not required to, allow a dwelling unit density greater than the reasonable and feasible baseline density for the subject property, to the degree the applicant's proposal provides benefits to the residents and the Town commensurate with any such increased density. For purposes of this density determination, the Board shall count each proposed Accessory Dwelling Unit as a separate dwelling unit. Whether to award such an increase in density and, if so, the degree or amount of the increased density allowed (within the limitations established herein) are discretionary decisions of the Board and are not a right of the applicant.

4. In no case shall the Board permit a dwelling unit density increase of more than 25% above the reasonable and feasible baseline density it has determined for the subject property. There shall be no presumption that 25%, or any lesser density increase, is required to be granted, and the 25% maximum increase is an absolute cap that shall not be exceeded.

This limitation on dwelling unit density increase in a PRD is implemented for reasons including, but not limited to, the following:

- a. To provide appropriate incentive levels to applicants to propose PRDs. A PRD may reduce an applicant's costs of development by reducing per lot infrastructure and site development costs, and thereby provide an incentive to propose a PRD in lieu of a traditional subdivision. This incentive may be present even in the absence of increased dwelling density. A limitation helps to ensure the Town is not providing unnecessary or excessive incentives.
- b. To ensure the level of development allowed is at a level that is harmonious with the requirements of the underlying zoning district.
- c. To guard against potential harm to natural resources (including to wildlife habitat and water resources) from excessive development density,
- d. To provide clarity to applicants on the maximum density that can be considered in a PRD.

5. If the Board is satisfied the application conforms to the requirements of this and other applicable sections of the ordinance and regulations, the Board may grant approval, subject to such additional reasonable conditions and limitations as it shall deem appropriate.

**C. Open Space Requirements.**

Land in the PRD that is not covered by buildings, septic systems, wells, paved or gravel areas, service areas, signs, or other structures, and that is not set aside as private yards, patios, gardens, sidewalks, or other walkways for the residents, may be designated as open space. The area of the open space shall be at least the percentage of the total area of the PRD tract specified in the ordinance. To be counted toward the percentage requirement, such land shall have a shape, dimension, character, and location suitable to assure its use for park, recreation, conservation, or agricultural purposes. In evaluating the open space proposed to be provided, including for purposes of determining whether to award and the amount of any density increase to be allowed in the PRD, the Board may consider the nature of the open space including, by way of example only, whether the proposed open space would have been accessible and developable if not set aside.

Open space shall be retained in perpetuity for one or more of the following uses: conservation, agriculture, recreation, or park. Any such conservation or agricultural uses shall have such protections memorialized in an easement to the Town or a "qualified organization" as set forth in RSA 36-A:4-a. Applicant shall provide commensurate levels of protection for recreation or park uses.

Provisions shall be made for the open space to be held in common, equally, by all the owners of the PRD. Open space readily accessible to the public is favored.

No building or construction (including but not limited to structures, wells, septic systems, or stormwater management features) shall take place in the open space except as is (1) consistent with the permitted uses of conservation, agriculture, recreation, or parks (including permitted public access); (2) in the best interest of the town; and (3) with the permission of the Planning Board. Harvesting of trees in the open space is permitted if it is done according to a forestry plan incorporating current Best Management Practices and with the expressed permission of the Planning Board.

Adopted by the Town of Amherst Planning Board  
October 6, 2021