

AMHERST PLANNING BOARD
Wednesday, December 2, 2015

In attendance: A. Rosenblatt- Chair, J. D'Angelo- Selectman Ex-Officio, S. Wilkins, R. Hart, G. Leedy ,
E. Hahn, A. Merriman, M. Dell Orfano, M. Peterman, C. Harris, C. Mailloux- Community Development
Director.

A. Rosenblatt called the meeting to order at 7:30pm.

OLD BUSINESS

**Case #: PZ6570-090115 –Dermody Family Trust (Owner)-6 Parker Farm Lane, PIN #: 006-028-005 Eric &
Amy Facey (Owner)–4 Parker Farm Lane, PIN#: 006-028-004- Request for approval of a Lot Line
Adjustment between two residential properties. Zoned Rural Residential. Tabled from October 7,
2015**

Per Colleen: On October 7, at the request of the Applicant, the Planning Board tabled the application for
a Lot Line Adjustment to the December 2, 2015 meeting. Since that time, 6 Parker Farm Lane has
changed hands and the original Applicant no longer has an ownership interest in the property. The
Applicant has not formally withdrawn the application, and Staff recommends for documentation
purposes, the Board deny the application for a lot line adjustment as it has not been authorized by
the current property owner.

G. Leedy moved to un-table the case. M. Dell Orfano seconded.

A. Rosenblatt stated Eric would vote for Cliff and Marilyn would vote for Sally. **Vote: All in favor**
G. Leedy said the board could refuse to accept the application because it is incomplete and not in
conformance with policy rather than move to deny it.

**G. Leedy moved to reject/ not accept the application because it is incomplete and not in conformance
with policy. M. Dell Orfano seconded. Vote: all in favor to reject the application.**

Sally and Cliff arrived at this time.

**Case #: PZ6584-090815 – 12 Broadway Realty Trust (Owner), William Wenzel, Trustee (Applicant) – 12
Broadway, PIN #: 006-092-000 – Request for approval of a subdivision of one residential lot into four
and request for approval of a Conditional Use Permit for 3,205 square feet of wetland impact to
construct a common driveway to serve the proposed lots. Zoned Residential Rural. Tabled from
November 4, 2015**

C. Harris moved to un-table the case. M. Dell Orfano seconded. Vote: all in favor.

At the meeting of November 4, the Planning Board expressed concerns regarding the common
driveway design and the steep slopes beyond the driveway shoulder. The Board requested that the
Applicant's engineer review the design and consider design changes to enhance the safety of the
driveway.

C. Guida of Fieldstone Land Consultants presented. They have redesigned the driveway. It was 12' wide
and is now 18' wide with 1' shoulders (20' total). By widening the driveway it increased the wetland
impacts. The impact was 3,205 and is now 3,432 for an increase of 227 sq. ft. The buffer impact was
3,611 and is now 4,029 for an increase of 418 sq. ft.

48 S. Wilkins commented the fire department says the shared driveway needs to be named. C. Mailloux
49 said the fire chief and police will ok the name choice. S. Wilkins recommends Wenzel Way.

50
51 G. Leedy reminded everyone of the slope of the driveway and stated he is opposed to the ACC
52 recommendation to increase the slope. Regarding moving the culvert, there is no reason for that.

53
54 R. Hart thought they discussed widening away from the wetland impact. C. Guida said it became a safety
55 issue to widen and then narrow the driveway. It creates a more dangerous bottleneck. The increase of
56 safety to the driveway is a greater benefit than the 200 sq. ft. impact to the wetland.

57
58 M. Dell Orfano asked about acreage and the possibility of future subdivision. S. Wilkins asked if the
59 applicant is willing to put a restriction on the property stating that portion cannot be developed. Since
60 the other lots are so much smaller, it is possible that someone will want to divide that larger parcel.
61 C. Guida thinks the owner would agree to it.

62
63 **G. Leedy moved to approve the subdivision plans prepared by Fieldstone Land Consultants, LLC., last**
64 **revised September 28, 2015 per the conditions as follows:**

- 65 1. Prior to plan signature, the existing shed on Lot 6-92 be relocated.
- 66 2. The ACC review and provide comments on the Conditional Use Permit and any ACC requirements be
67 addressed to the satisfaction of the Community Development Director.
- 68 3. Prior to the start of construction, the applicant shall cause durable discs or placards identifying
69 the boundaries of the WWCD on the subject premises to be installed pursuant to requirements of Article
70 IV –Section 4.11, F.6 of the Zoning Ordinance.
- 71 4. Prior to issuance of a driveway or building permit, the NH Fish and Game Eastern Hognose Snake flyer
72 shall be provided to all site contractors.
73 (<http://www.wildlife.state.nh.us/nongame/documents/hognose-snake.pdf>)
- 74 5. The applicant shall install and effectively maintain all temporary erosion and sedimentation control
75 measures throughout the duration of any work performed within or immediately adjacent to the
76 WWCD boundary. Neither welded plastic nor “biodegradable” erosion control netting shall be used on
77 this site.
- 78 6. When received, the NHDES Dredge and Fill approval number and expiration date shall be noted on the
79 plans.
- 80 7. If granted, a note be added to the plan stating the Planning Board waived the requirement to submit
81 fiscal impact, environmental impact, traffic, water supply, hydrogeological and other studies.
- 82 8. Copies of the proposed common driveway easement shall be submitted for approval by the Town and
83 recorded with the final subdivision plan.
- 84 9. Final naming and numbering of the common driveway be completed to the satisfaction of the Fire
85 Chief.
- 86 10. A letter shall be submitted to the Office of Community Development by a licensed land surveyor
87 certifying that all boundary monumentation has been set as noted on the approved plan, or in lieu of a
88 letter, the final subdivision plan to be recorded may be submitted noting that the bounds have been set.
- 89 11. When received, the NHDES Subdivision approval number shall be noted on the plans.
- 90 12. One mylar, 3 full sized plan sets and one pdf of the revised plan set shall be delivered for signing by
91 the Planning Board Chair.
- 92 13. Prior to recording, all fees associated with the recording of the plan and easements be
93 submitted.

And with the additional condition that lot 006-092-006 be subject to a covenant deed restriction that prohibits a subdivision on that lot in the future. C. Harris seconded. Vote all in favor to conditionally approve the subdivision plans.

G. Leedy moved to approve the conditional use permit as amended to reflect the additional wetlands. C. Harris seconded. Vote all in favor

Case #: PZ6721-100515 – Ellen & Richard Fallon (Owners), 9 Clark Avenue, PIN #: 025-048-000 – Request for approval of a Conditional Use Permit for construction of an 24' x 28' garage within the 100 foot shoreline buffer of Baboosic Lake. Zoned Rural Residential. Tabled from November 4, 2015

Richard and Ellen Fallon presented their case. The owners clarified the dimensions of the proposed garage and asked what they need to do for the board to receive the approval.

C. Mailloux updated the room on her recommendations, both prewritten and updates that have occurred since she drafted her notes. She recommends that the application not be accepted as complete until all checklist items are provided, or waivers are requested and approved as appropriate.

C. Mailloux confirmed the variance no longer applies for the project that never occurred.

S. Wilkins thought on one hand this proposal will not cause trouble and should be granted. On the other hand, she doesn't want to set precedence by not following the checklist so S. Wilkins suggested tabling the case for C. Mailloux to aid the applicants in the process to complete the tasks required.

The board concurred.

S. Wilkins moved to table the case to the January 6th meeting. C. Harris seconded. Vote unanimous

NEW BUSINESS

Case #: PZ6837-110215– 9 Fieldstone LLC (Owner) – 9 Fieldstone Drive, PIN #: 006-070-012– Request for subdivision approval to convert an existing multi-building residential site into a condominium. Zoned Rural Residential.

In 1977, the Planning Board approved a plan for an open space development with 18 single-family detached units and a 10-bedroom multi-family development on Lot 6-70-12. The subdivision was recorded, the open space dedicated, the road constructed and the 18 detached units constructed and sold. Site work began on the multi-unit development on Lot 6-70-12, which was approved as part of the 1977 plan. In 1986, the property owner applied for a building permit to construct the first of the attached units. The Zoning Administrator at the time referred the Applicant to the Planning Board who determined that no further site plan approval was required by that Board and the first two-bedroom unit was constructed. The remaining three units on Lot 6-70-12 were never completed.

In 2014, the property owner asked for a determination regarding the existing approvals on the lot. As substantial completion of the project had been achieved, the project was considered vested under RSA674:39.II. As such, building permits were issued in 2015 for the construction of the additional three units, consistent with the previous Planning Board approvals.

The application is for approval of a condominium subdivision for the 5-unit development at 9 Fieldstone Drive. Under state statute, a condominium conveyance is defined as a subdivision and requires approval by the Planning Board.

The lot is an existing 3.225 acre parcel located in the Rural Residential zone. The condominium site plan includes the existing 2-unit attached dwelling, and three detached units which are currently under construction. The Applicant will need to record an as-built plan once the project is complete.

Ray Shea of Sanford Surveying and Engineering and owner Steve Desmarais were present. Mr. Shea stated that the application is to convert an existing lot that has multiple residential dwellings to a condominium. Essentially, it's just changing the ownership of the structures. The property status is as follows: There is an existing 2 family home (units A and B), unit C is framed, unit D has a foundation and unit E is yet to be built. The water is serviced by Pennichuck. There is a community leach field.

S. Wilkins asked about the road name and suggested Jackson.

C. Harris confirmed the whole project will be condos. The owner gave some history of the property.

C. Harris asked for the square footage of the units. Units C, D and E range from 1500-1700sq.ft. each.

Public comment

John Tiso 7 Fieldstone Dr- Abutter

He asked the board to deny the application because it has been a huge impact to that property. It has gone from one single family home to a condo complex. There are other condo complexes in town and this will greatly affect his property. Already the tree removal has eliminated privacy.

Value of his home will decline because of the lack of desirability of being next to a condominium complex. The zoning of the property is different than the rest of town and the ability of subdividing it is unique. If this project is approved, he asks for these three conditions to apply:

1. amount of structures to be fixed- no future sheds or buildings to be built
2. condo association to have a landscaping plan to maintain privacy as well as the cul de sac.
3. have an escrow fund for environmental impacts such as septic and well issues.

Mr. Shea commented that approval has already been given for the structures- that's not under consideration tonight. This application is for an ownership change. If the ownership moves to condos, it will be better because people generally maintain condos better than rental properties.

Discussion ensued regarding the condo docs and landscaping the property.

R. Hart asked how the condo association will be set up- owner occupied. No, it won't be required, but there's a low percentage chance of having rentals. It's not financially feasible- too expensive, taxes too high.

Lauren Tiso 7 Fieldstone Dr- Abutter

She has experience with a 3-condo complex without an association and it did break down. She is looking for concrete assurances that the property will be landscaped and maintained.

C. Harris suggested that the abutters test their wells and septic and document it now that way if anything goes wrong, there are records of the condition prior to the development. The abutters and the applicant discussed salt testing.

S. Wilkins suggests the applicant submit a landscape plan and potentially do some extra plantings in good faith for the abutters. She is not in favor of limiting future structures on the property- that would be up to the condo association.

A. Rosenblatt stated the planning board has a limited role for this application. He recognized that the concerns of the abutters are not minimal.

The owner may talk to the abutter about adding some trees. There are dense woods but there used to be 60' of depth and now there is only 30'.

Debra Curtis 16 Fieldstone Dr- Abutter on the other side

If the property doesn't go to condo ownership, what's the other option? Would they be rental properties that the current owner rents out? Yes.

In reference to trees that may be planted there, R. Hart mentioned that hemlocks are being attacked by three kinds of bugs.

G. Leedy moved to approve all of the waivers. C. Harris seconded. Vote all in favor.

G. Leedy moved to approve the subdivision with conditions listed on the staff report dated December 2nd 2015 as follows.

1. Condominium documents be reviewed and approved by Town Counsel.

2. Final naming and numbering of the common driveway be completed to the satisfaction of the Fire Chief,

3. If granted, the waivers be noted on the plan.

4. Copies of the approved condominium documents be submitted for recorded recording.

5. One mylar, 2 full sized plan sets and one pdf of the revised plan set shall be delivered for signing by the Planning Board Chair.

6. Prior to recording, all fees associated with the recording of the plan and condominium documents be submitted to the Town.

With the additional acknowledgement that the owner will work with the neighbor to satisfy the landscaping issue.

C. Harris seconded. Vote all in favor to approve the subdivision

Case #: PZ6836-110215 – Richard N. Bragdon Trust (Owner), LaBelle Winery (Applicant) – 345 Route 101, PIN #: 008-052-000 – Conceptual discussion of a site plan for various buildings and uses which are accessory and related to the LaBelle Winery facility. Zoned Northern Transitional

The subject parcel is a 48 acre lot situated on the northerly side of Route 101. The Applicant has submitted a concept illustration for discussion. The proposed project would include an inn with restaurant, spa, retail and event center; a distillery and brewery; and offices for LaBelle near the Route 101 frontage. A private road would access a Planned Residential Development near the rear of the property. A portion of the property will be in agricultural use as a vineyard to supplement the existing LaBelle vineyard located on the adjacent property across Route 101.

The proposed access point for the development is directly across from the existing access driveway for LaBelle Winery and will require a driveway permit from NHDOT.

The proposed project requires a variance from the ZBA for the proposed commercial uses in the Northern Transitional Zone.

Amy LaBelle, owner, spoke to the board.

They are here to get some input on the ideas they have for the property across the street from LaBelle. LaBelle is growing. The next step is to grow the business. The owners would like to expand in Amherst rather than somewhere else. They are proposing an artisan village that will provide some missing parts for LaBelle and for the town.

236 They are proposing a series of structures: small inn, distillery/ brewery and restaurant with associated
237 uses. This will allow guests to stay on the premises and in Amherst. Currently after weddings, guests go
238 to Nashua or Manchester.

239 She would use the distillery to produce the products she already uses. For example, she needs brandy to
240 make port. She buys it now, but would prefer to make it.

241 There will also be an additional 5 acres of farmland for grapes.

242

243 Rolf Biggers- Architect presented. Ken Clinton from Meridian was also present.

244 This area is the gateway to Amherst. They are here to share the different approach they have come up
245 with and get planning board opinions and feedback.

246 There will be a number of uses that will build on the winery. Corporate offices/ distillery/ a mixed use
247 building that's an inn and restaurant with small event center for cooking classes etc. There will also be
248 some warehouses/ vehicles and more vineyards. It's a large parcel.

249

250 They would like to bring back the Old Manchester Rd and reuse the buildings that are there. The old
251 barns could be used for the offices. They would like to keep the project grounded in history. Similar to
252 the LaBelle building, they would like it to be a mix of new and old and make the buildings look like they
253 belong/ have been there. They will keep the parking hidden to maintain the rural landscape similar to
254 what they've done at the winery.

255

256 He described the locations of the proposed buildings on the provided map.

257 To add to the sledding hill, they will add a skating pond. They want a village feeling close to the road
258 with walkability. The back acreage is for the vineyard.

259

260 Connectivity: possibly a tunnel. It would be phased in later because of the cost. They will have to see
261 what the state is doing with the road. Accessibility: Two access points. One is across from the winery.
262 They need feedback with this. They want to utilize the curb cuts that exist and not add more. They want
263 to get people off 101 and onto Manchester Rd. There would be walkability once you're there.

264

265 Ken Clinton- Meridian

266 Meridian has not done their detail work yet. There are no architectural plans with square footages to go
267 off of for parking planning. This is a state road and the state has jurisdiction but they would like the
268 applicant to work with the town and get on the same page.

269 For access they would like to use the spot right across from LaBelle and also the intersection of Camp
270 Rd. if they can work it out with the K9 business.

271 The tunnel is a great idea, but they don't know if it is possible.

272 The plan is for commercial in the front and residential in the back. They know there needs to be
273 variances granted for this unless there are legislative changes prior to the project moving forward.

274 The next step is they will present to the ZBA.

275 This project will be subdivision. It will be mixed use with commercial in the front and residential in the
276 back. There would possibly be a conventional and a condominium subdivision, but it is too early to
277 confirm that.

278

279 Mr. Biggers mentioned they came up with the plan first without looking at the guidelines. They just
280 looked at what they wanted to see and have on the property. Now the plan is to work it out with the
281 town boards and regulations to get as much of the idea to fruition as possible.

282

283 A. Rosenblatt confirmed this is only a conceptual discussion. Any comments or statements that anyone
284 makes are simply for discussion and are not binding.

285

286 R. Hart

287 1. This is really the first proposal that's mixed use the board has seen and we can use this to figure out
288 what we want our mixed use developments in Amherst to look like

289 2. The property is bordered on the east by conservation. He suggested moving the residential
290 development a bit to the west so the woods separates the residential area from the conservation.

291 3. In the land to the east, ACC has been trying to restore trees there. When you think of planting trees,
292 you may consider chestnut trees.

293

294 G. Leedy

295 Terrific plan. Approach is correct. Great idea from a business standpoint and for a vision for the site.

296 After that, everything that happens will dilute that vision. (Planning, Zoning, State etc.)

297 Concerns:

298 1. It's a very steep piece of land

299 2. maybe not the right idea to reestablish Manchester Rd. The intersection being 50'-100' from the 101
300 entrance won't fly. Maybe ditch the road in front and put the driveway in the back. That's where the
301 vehicles need to go anyway.

302 3. look at site distances on 101. You're potentially looking at lowering the grade to 101 which will be
303 costly.

304

305 J. D'Angelo

306 Great idea

307 Speaking for the BOS, he's glad the business is successful and needs to expand. It's the single business in
308 Amherst that is known throughout the state. The BOS wants LaBelle to be successful.

309 Think about what kind of housing to put there to attract the type of people that want to live near the
310 winery and the associated activities. Probably couples/ older couples/ small groups- not big families.

311 Look into connecting to the hiking trails and conservation area.

312 Concern is the footpath location- it looks too far away.

313

314 M. Peterman

315 This is really exciting.

316 The planning board has already formed a committee to discuss what the future of 101 should look like.

317 Although the zoning is not in place for this, this mixed use type of development has been talked about
318 for a long time, but never come to fruition. It's exciting. The inn/restaurant will be a nice addition to

319 town. Excited for the residential use. Concept is terrific.

320

321 S. Wilkins

322 Agree with the rest of the board. The board is looking at changing the zoning there but it may not
323 happen by the time you're ready.

324

325 A. Merriman

326 It's a wonderful idea. He has loved watching the vineyards grow. Thought has really been put into this
327 like having the parking in the back.

328 Concern: Camp road intersection is a difficult intersection now. Adding traffic to that where K9 is would
329 make it worse. Figure out what is the best single sight line point along the frontage and put the access
330 there.

330

331 M. Dell Orfano
 332 Pleased we might get a mixed use in town. Concerned with pedestrians trying to cross 101.
 333 Reality of getting DOT to work with you might be slim. Regret the buildings are on opposite sides of the
 334 road. The less you see, the better is his thought.
 335
 336 C. Harris
 337 Great idea. Manchester road starts further back. Can there be an easy off shoulder to get to Manchester
 338 Rd.? There is a big loop exit before Camp road. That might be an easier off from the north/ east.
 339
 340 Mr. Biggers said access will be the primary issue.
 341 Grading and contours can be an issue. As an architect, that gives him options to adapt the buildings to
 342 the landscape. In the past, they've chosen the flattest areas and used them for parking and built the
 343 buildings into the slopes to make them look like they've been there for a long time.
 344 The residential area wants to mitigate the impact and keep the development small and close. It will be a
 345 'pocket neighborhood' with 12-15 units.
 346
 347 M. Peterman
 348 There's more flexibility under the innovative integrated housing ordinance.
 349 Parallel roads have been discussed by the board. She does not have an engineering background, but if it
 350 can be engineered from the start of the process, that might be good. Since that's a concern, more than
 351 one option on the road and access would be good.
 352
 353 C. Harris
 354 Suggested as the applicant goes for a commercial variance, anything they can do in the commercial part
 355 of the development to maintain the structure/ rural quality for those driving by would be best. It might
 356 look like a house, a barn, an old fashioned inn. Not to design anything blatantly commercial looking.
 357
 358 Mr. Biggers
 359 This is the gateway, and sets the tone for the town. Parking is the key. With the parking behind it makes
 360 all the difference.
 361
 362 G. Leedy
 363 Look at what you think you need for parking. That might be different than what they require for parking.
 364
 365 **6. Regional Impact**
 366 C. Mailloux stated there is no regional impact for next month so far.
 367
 368 **7. Approval of Minutes: November 4, 2015**
 369 Add G. Leedy to attendance
 370 Line 86 *exacerbated*
 371 Line 104 These lots to *the small lots*
 372 Line 121 in favor of *approving the waivers*
 373 Line 166 in favor to *table the case*
 374 Line 171 28'
 375 Line 207 in favor of *approving the plan*
 376 Line 276 Bill *Bosquet*
 377 Line 279 When the pipeline is filed with the FERC and the SEC,
 378

379 **C. Harris moved and S. Wilkins seconded to approve the minutes of November 4th as amended.**
380 **Vote all in favor.**
381

382 **C. Harris moved and M. Dell Orfano seconded to approve the minutes of August 19th as presented.**
383 **Vote all in favor**
384

385 **C. Harris moved and R. Hart seconded to approve the minutes of September 16th as presented.**
386 **Vote all in favor**
387

388 **C. Harris moved and S. Wilkins seconded to approve the minutes of October 21st as presented.**
389 **Vote all in favor with G. Leedy abstaining.**
390

391 S. Wilkins suggested that the Amherst BOS get together with the Milford BOS and get that boundary on
392 both sides of Amherst Street and Border Street resurveyed. If you line the two town maps up, the town
393 lines cross each other. We keep seeing lots that have border issues. It would be good to split the cost
394 with Milford and get it fixed.

395
396 C. Mailloux can check with Milford.

397
398 **C. Harris moved to adjourn at 9:31pm. G. Leedy seconded. Vote all in favor.**
399

400 Respectfully submitted,
401 Jessica Marchant