



Town of Amherst, New Hampshire  
**Office of Community Development**

Building · Code Enforcement · Planning · Zoning · Economic Development  
2 Main Street, Amherst, NH 03031

**Site Walk Minutes**

Saturday, June 13, 2020

9:00 a.m.

340 Route 101, Amherst, NH 03031

**CASE #: PZ12172-121819 – Arboleda Realty LLC (Owner & Applicant) – The Farmhouse Marketplace, 340 Route 101, PIN #: 008-052-000** – Public Hearing/Non-Residential Site Plan. Proposed multi-use commercial building. *Zoned Northern Transitional.*

Planning Board Members: Mike Dell Orfano, Marilyn Peterman, Dwight Brew, Bill Stoughton, Chris Yates and Tracie Adams.

Applicant/Agent/Professionals: Ken Clinton, LLS.

Staff: Nic Strong, Community Development Director.

The site walk began at 9:00 a.m. at the site of the existing farmhouse on the opposite side of Route 101 from the Labelle Winery.

Ken Clinton, LLS, explained that there were stakes with flags at various points on the property that coincided with a lettered copy of the site plan (see attached). He noted that the Board may encounter poison ivy, high wet grass, briars, brush, bad footing, farm debris, and any number of other hazards along the way. Following this disclaimer, it was noted that the Planning Board was able to ask questions and discuss the site and the plan with Ken Clinton, LLS, but that no decisions or determinations were to be made during the site walk. All discussion on the merits of the application and what was viewed on the site walk and any decisions were to be made at the continued hearing on July 1, 2020.

Those present walked to the first flag marked "A" and could see stake "B". Ken Clinton, LLS, explained that this area had been an old borrow pit when the new Route 101 was constructed. He went on to say that NHDOT was requiring that the new entrance to this proposed site had to be directly opposite the Labelle Winery entrance. The area on the site that was the borrow pit had been a paddock once the excavation ceased and had reverted to nature since that use had ended. Due to the over-excavation of what Ken Clinton, LLS, thought had been fill material rather than high quality gravel into the seasonal high water table, the area now showed evidence of wetland species, hydrology, plant life, and soils that made it a jurisdictional wetland. Ken Clinton, LLS, pointed out that the existing tree line was at approximately the limit of the prior excavation. He noted that the area was proposed to be used for the overflow parking, and the layout was dictated by the required location of the entrance.

Mike Dell Orfano asked about pedestrians crossing Route 101 from the winery to get to the new facility. Ken Clinton, LLS, explained that the proposed site was designed as a standalone facility and was not related to the winery. He noted that this overflow parking area was designed for the

use of patrons of the new multi-use building and facilities. He went on to say that there was the potential for it to be used for winery employee overflow parking if the approved additional parking on the winery side of the road was not constructed. It was noted that the separate nature of the facility would be apparent and would also be noted in publicity materials and on the website, etc. Ken Clinton, LLS, stated that a tunnel had been considered for maintenance vehicles and potentially a golf cart shuttle but it was extremely costly to build.

Mike Dell Orfano stated that it was known that NHDOT were planning to widen 101 and he wondered if there had been discussion about them needing larger setbacks for this plan. Ken Clinton, LLS, stated that NHDOT had seen all the plans and there was preliminary approval for the entrances. He noted that DOT dictated where the entrances had to be and at no point in the discussions had they mentioned the need for any extra setback distances. Ken Clinton, LLS, did note that the time of any reconstruction of the highway in this location would be the time for the winery/new facility to propose a tunnel if there was the need, which could be a self-funded portion of the work, or perhaps some kind of joint project with the State.

The Board moved to stakes "C" and "D" which delineated the wetland pocket at the easterly end of the overflow parking area. It was noted that the construction of the parking lot would follow the contours of the land with minimal cuts and fills. Ken Clinton, LLS, stated that the site was close to balanced with the cuts and fills and would probably not require consideration of removal of material that was incidental to construction. It was noted that the drainage from the area would drain to the existing culvert under Route 101. He noted that from the proposed building, some of the drainage would go out the back of the site and some would go to the front of the site and through another existing culvert under Route 101. Ken Clinton, LLS, stated that there was no increase in runoff from the site post-construction and that they were not allowed to increase the flow or rate or volume of runoff onto downstream properties, which in this instance was owned by the same party. He stated that their drainage plan included detention basins and treatment swales. He also noted that NHDES, through the Alteration of Terrain permit process, wanted water to stay onsite and infiltrate as fast as possible.

Those present made their way to stake "F" and looked at the existing woods road that had been used previously for logging purposes. Ken Clinton, LLS, explained that the woods road would be upgraded to provide maintenance access to where the leach fields for the septic system were going to be constructed. He noted that the system would be a pump up system, pointing out that all the development on the site was located in the lower corner of the property so there was no location for a gravity system. He stated that there was flexibility in where the leach fields could be placed away from the other parts of the facility. Ken Clinton, LLS, stated that alongside the buildings would be the septic tanks, grease traps, settlement tanks and a 2" line would run to the four leach fields.

Mike Dell Orfano asked about the potential for residential development on the remaining acreage. Ken Clinton, LLS, explained that the layout of the property, the abutting ownership of land, and the required conservation easement, meant that the only access to any potentially developable land would be this woods road. The grade of the existing woods road was 12 - 18%. It would be upgraded to be a maintenance road for access to the area of the leach fields for

mowing and maintenance purposes. Ken Clinton, LLS, stated that area would be an open, grassy field and would have to be maintained to prevent unwanted tree and shrub growth.

In response to a question, Ken Clinton, LLS, stated that the barn on the property did not have a suitable foundation and the structure was not able to be renovated and utilized for the proposed project. He noted that the applicant had committed to dismantling the barn and reusing and repurposing some materials in the distillery building or other structures on the property. In response to another question, Ken Clinton, LLS, stated that the potential function space on the Labelle Winery side of the street was all moved over to this side of 101 for the new proposed facility. He noted that there was a plan for an additional 70 - 80 parking spaces on the winery side and that perhaps a small building for storage, maintenance or office space may be constructed, but it would probably not be for public uses.

The Board moved on to stake "G" where the access road would curve into the main parking lot area. Ken Clinton, LLS, pointed out the regrowth in the area which also used to be pasture for the farm. A stone wall was noted on the property and Mike Dell Orfano mentioned that the Heritage Commission would like the stones from stonewalls to remain onsite as much as possible. Ken Clinton, LLS, said that the owners would have to be asked about that. He noted that the appearance of the property from the street will have an historic Amherst look and although the entrance would obviously require an opening in the existing roadside vegetation, the access to the proposed building would curve to follow part of the old 101 roadbed before getting to the main parking area so that the visuals of the area would be preserved. Ken Clinton, LLS, pointed out that a retaining wall in the location of the old farmhouse would remain. He also mentioned that some of the larger trees onsite that would be nice to leave are actually dying and will have to be removed.

The Board moved on to a point between stakes "G" and "H" and Ken Clinton, LLS, explained the location of the proposed barrel barn and noted that it was difficult footing to get to stake "H". The Board was comfortable viewing the area from a distance. Ken Clinton, LLS, noted that the barn would be unheated and there would be no water in the building, just electricity. The back wall of the building would be in the ground. The barrels of spirits would be aged there on metal racks and the access would be periodic, not every day.

The group moved on to stakes "O" and "N" which denoted the easterly corners of the distillery building. There is an existing building in this location which might have been housing for farm workers. The building's demolishing will be documented by an architectural historian which is one of the requirements of the State's permitting. The building will not be preserved. Ken Clinton, LLS, also noted that the older, main portion of the farmhouse would remain as a cottage on the property but the newer "L" addition would be removed.

Those present noted the location of the stake "P" which was at the rear of the open manicured lawn area at the back of the courtyard where open air functions such as weddings could take place. This stake marked the end of the footprint of the developed area for the buildings and behind that area the 25 acre conservation easement area began.

The stake "Q" marked the back corner of the building. The distance to the property line was noted and it was also noted that the neighboring business appeared to be using their entire property up to the line with no apparent buffers.

The Board moved to stake "M" which Ken Clinton, LLS, noted as the main entrance to the proposed building. He pointed out that the "L" addition on the farmhouse and the old barn would be removed to make the area designated on the plan for the courtyard. He noted that there would be planters and beds probably with herbs growing to be used in the kitchen.

The company moved to stakes "L" and "K" which were the front corners of the proposed building. Behind the building would be the employee parking, access for deliveries, dumpster location, propane tanks, generator, etc. Ken Clinton, LLS, noted that while there may be minimal tree buffer to the neighboring property, these things would still not look bad. Some screening would be provided as part of the site plan. Ken Clinton, LLS, referred back to a statement he had made earlier about the development being in the low corner of the property. He pointed out where a stormwater infiltration basin would be constructed and made note of the unusual property configuration at this point and the wetland that existed between the old and new Route 101 locations. Following treatment, any runoff would go through the culvert under Route 101 to the winery side. On that side of the street, stormwater runs into wetlands that are broken up by the vineyard use and eventually gets to Beaver Brook. Ken Clinton, LLS, noted that there were pockets of upland soils on the winery lot but nothing that would be considered a building envelope.

The second entrance proposed for the project was not in the same location as the existing entrance to the farmhouse. Ken Clinton, LLS, stated that NHDOT may not allow left turn exits from this entrance. The main entrance would have more signage and be more attractive to attract patrons to use that one. The intent is that 100% of customers would use the main entrance across from the Labelle Winery entrance. The location of Camp Road and the left turn lane for that intersection would impact DOT's decision on how traffic from this second entrance would be allowed to exit. Ken Clinton, LLS, noted that if it was used primarily for deliveries and those would be off peak hours there may be the possibility that DOT would restrict left turns during certain hours and not others. This was not yet determined.

Bill Stoughton asked about the Wetland #6 area that Ken Clinton, LLS, had noted at the CUP hearing the previous week, and whether it was considered a manmade wetland due to the construction of the new location of Route 101. Ken Clinton, LLS, stated that he thought there had been a wetland there to some degree previously but it may have been enlarged due to the highway construction and was probably manmade.

In response to a question from Chris Yates, Ken Clinton, LLS, noted that the site was segmented into smaller areas for drainage purposes so that runoff was collected, stored, treated and released at the same flow or rate or volume over a storm period. He stated that there would be less runoff to the neighboring business to the west because instead of sheet flow, the runoff would be collected and directed to the stormwater infiltration basin and treated and released through the culvert under 101.

It was noted that there may not be such a rush to get this project built in the current economic environment, but that the approval was being sought so that it would be ready for construction. It was noted that the applicant should be prepared to comment on active and substantial development and what amount of construction or development onsite they would consider appropriate to vest the project for five years to the current regulations. It was also noted that the applicant should consider the threshold for substantial completion of improvements by the five year timeframe so that the project would vest to the current regulations for the life of the project as depicted. Ken Clinton, LLS, said that they would be prepared to make a presentation on these items to the Planning Board.

Bill Stoughton stated that Town Counsel was being asked to look at the conservation easement that had been sent to him for his review. It was thought that Town Counsel was still estimating the cost of his review. Nic Strong stated that she thought there was a standard fee to be submitted for legal review that would start the process and if further funds were needed to complete the review they could be requested. She stated that she would look at the fee schedule to confirm this. It was also noted the Town Engineer review of the plans was still required. Ken Clinton, LLS, stated that if it was determined that there was a set fee for legal review, he would have that added to the amount for the engineering review and that could be put in escrow for those reviews to take place. It was further noted that the review comments may not be back in time for the continued hearing on July 1, 2020.

The sit walk concluded at 10:30 a.m. +/-

Respectfully submitted,

Nic Strong  
Community Development Director

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Minutes approved:

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