



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

STAFF REPORT

CASE #: PZ18678-031324
MEETING DATE: April 17, 2024
COMPLETED BY: Nic Strong, Community Development Director
ZONING DISTRICT: Northern Rural (NR) with Aquifer Conservation & Wellhead Protection District (ACWPD), Flood Plain Conservation District (FPCD), and Wetland & Watershed Conservation District (WWCD) Overlays

APPLICATION DESIGNATION: Conceptual Consultation; Subdivision
PROJECT NAME: The Woodlands at Amherst
PROPERTY OWNER: 24 BR Partners, LLC, c/o Ron DeCola
APPLICANT/AGENT: 24 BR Partners, LLC, c/o Ron DeCola
Jon Rokeh, PE, Rokeh Consulting, LLC

MAP/LOT: Map 10 Lot 26
LOT SIZE: Total = 127 ± acres
LOCATION OF PROPERTY: 24 Brook Road

PROJECT OVERVIEW:

- Conceptual Consultation Application was submitted on March 4, 2024.
- Purpose of Plan: "Proposed 18 lot subdivision for single family home development with a community water supply and community septic."

BACKGROUND/CHRONOLOGY:

- A 1 story Camp-style single family residence, built in 1949, currently exists on the property as noted on the property assessment card.
- On November 20, 2019, the Board approved a Conditional Use Permit for a proposed Planned Residential condominium development at the subject property under the Integrated Innovative Housing Ordinance (IIHO), with a condition to: "... give the applicant up to 38 units with the minimums specified in their proposal, and to come back as a Non-Residential Site Plan Review to include more data showing the need for each of the types of housing proposed." The timeframe to act on this plan lapsed the IIHO was subsequently repealed.
- A Conceptual Consultation application was submitted on July 6, 2021, for a 2-Lot Conventional Subdivision creating one new lot along Brook Road and a 38 Unit Planned Residential Development (PRD) over the remainder of Tax Map 10 Lot 26. There were concerns about the lot size being too large given the steep slopes, wetlands, and roads, and traffic increasing on Brook Road and Horace Greeley Road. The Board was also curious to know what the baseline density calculation was for this lot.
- A Conceptual Consultation application was submitted on September 30, 2021, to depict the existing topography on Lot 10-26, along with a proposed 2 lot conventional

- subdivision creating one new lot along Brook Road and a Planned Residential Development (PRD). The Board also was concerned with the baseline density calculation again with the second submission of the conceptual consultation, and traffic flow.
- A Conceptual Consultation application was submitted on April 4, 2022, for a proposed subdivision for one 5-acre lot along Brook Road and a 17-lot Planned Residential Development (PRD) over the remainder of Tax Map 10-26. The Board expressed concerns with the disposition of the conservation land, the subdivision of the frontage lot, a second wetland crossing to a lot in back, potential traffic impacts, and potential environmental impacts.
- A Conceptual Consultation application was submitted on September 6, 2022, for a proposed 38-unit elderly housing development with a community water supply and private septic systems, and was scheduled at the November 2, 2022, meeting. This was continued at the applicant's request, without being heard, to the December 21, 2022, meeting. At that meeting, the applicant requested that the application be withdrawn.
- This Conceptual Consultation was scheduled at the April 3, 2024, meeting that was curtailed by a winter storm. The applicant agreed to wait until tonight's meeting.

CONCEPTUAL CONSULTATION:

- RSA 676:4,II,(a) notes that: "...preliminary conceptual consultation ... shall be directed at review of the basic concept of the proposal and suggestions which might be of assistance in resolving problems with meeting requirements during final consideration. Such consultation shall not bind either the applicant or the board and statements made by planning board members shall not be the basis for disqualifying said members or invalidating any action taken. The board and the applicant may discuss proposals in conceptual form only and in general terms such as desirability of types of development and proposals under the master plan."
- The Town of Amherst Subdivision Regulations describe the process for Conceptual Consultation in Section 202.8:
"The Preliminary Conceptual phase is intended to address the suitability of the land for subdivision and for review of the basic concept of the proposal in general terms such as desirability of types of development for an area, and under the Master Plan. This review shall not bind either the applicant or the Planning Board."
- This is the time that the Board and applicant should consider the purposes of the Town's ordinances and regulations so that the concept can be refined into an application that will meet the detailed requirements and submission lists.

SUBMISSION ITEMS:

- A Subdivision application form, completed and signed by Ron DeCola, 24 BR Partners, LLC, as owner/manager, was submitted on March 4, 2024, along with:
 - one sheet subdivision plan: "Concept Subdivision Plan The Woodlands at Amherst Tax Map 10 Lot 26 - (Brook Road) Amherst, New Hampshire Prepared For And Land Of: 24 BR Partners, LLC 300 River Road, Suite 110 Manchester, NH 03104, February 29, 2024;
 - fees paid in the amount of \$75.00.
- There are no outstanding fees.

INFORMATION FOR THE BOARD:

- The property is in the Northern Rural (NR) Zone with Aquifer Conservation & Wellhead Protection District (ACWPD), Flood Plain Conservation District (FPCD), and Wetland & Watershed Conservation District (WWCD) Overlays.
- The application form notes this is a proposed 18 lot subdivision for single family home development. Nowhere does it say it is a PRD, however, the lot sizes are all well below the required minimum of five acres. The applicant should explain his intent.

EXISTING ORDINANCES/REGULATIONS:

- The purpose of the Northern Rural (NR) Zone is as follows:
 - A. GENERAL. The purpose of establishing the Northern Rural Zone is the following:
 1. To recognize, establish, and affirm an area of the Town in which lower density development is of itself, desirable. (3-11-86)
 2. To recognize the unique rural, scenic, and natural character of a portion of Town which has remained essentially undeveloped and unchanged during the time that the remainder of the Town has experienced considerable physical development and change. (3-2-76)
 3. To identify a portion of Town that contains extensive areas of poor soils, steep slopes, and limited accessibility which limits the type of development which is compatible with these limitations as well as the areas in which development can suitably take place. (3-2-76)
 4. To ensure that future development in this area of Town be of a type that is compatible with the area's extensive physical limitations as well as its unique rural, scenic, and natural character. (3-2-76)
- The Northern Rural (NR) Zone allows the following uses:
 - B. PERMITTED USES.
 1. One (1) family dwelling and accessory buildings or structures. (3-2-76, 3-11-08)
 2. Farm, agricultural, or nursery use. (3-2-76)
 3. Roadside Stand for the sale of farm produce or nursery products. (3-2-76)
 4. Home Occupation. (11-2-82)
 5. Planned Residential Development (PRD). In order to achieve the purpose of this section, Planned Residential Development shall be encouraged as the principal method of future development of this zone. (See Art. IV, Sec. 4.17) (11-2-82)
 6. (Deleted 3-8-22)
 7. Workforce Housing (see Section 4.14)
 8. Amateur, non-profit sports and recreation uses subject to obtaining Planning Board site approval which may provide at minimum for setbacks, buffers, sanitary facilities, parking, and traffic impact. Uses involving motorized recreation vehicles are prohibited. Night lighting may be allowed by the Planning Board when more than five hundred (500) feet from any residential use but not after 9:00 p.m. (3-12-91)
 9. Accessory Dwelling Unit (3-8-16, 3-12-24)

- The purpose of the Planned Residential Development ordinance is as follows:
PURPOSE. Planned Residential Development allows an alternative to the land development pattern permitted in the Residential/Rural, Northern Rural, Northern Transitional, and Commercial Zones. Consistent with the goals of the Town's Master Plan, it is intended to encourage the preservation of open space and the Town's rural aesthetic 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 or strain on natural resources or public facilities and infrastructure. 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. This section is adopted as an innovative land use control pursuant to RSA 674:21.

- The purpose and objectives of the Subdivision Regulations are as follows:

201.1 PURPOSE

The Subdivision Regulations are intended to facilitate housing and other construction that can be developed in such a manner to promote the most appropriate use of the land, encourage environmentally sound planning to conserve open space, retain and protect important natural and cultural features; and provide for efficient use of land and community services to advance the goals stated in the Master Plan and in accordance with RSA 674.21, Innovative Land Use Controls.

201.2 OBJECTIVES

- A. To maintain rural character, preserving farmland, forests, grasslands, wetlands, and maintaining rural viewscales.
- B. To preserve those areas of the site that have the highest ecological value, including, for example, wildlife habitats, (areas of highest conservation value as identified by the NH Fish and Game's Wildlife Action Plan), and water resources (Drinking water supply areas and watersheds, wetlands, streams, and rivers.)
- C. To locate buildings and structures on those portions of the site that are the most appropriate for development, and avoiding development in areas ill-suited for development, including, for example, areas with poor soil conditions, a high water table, that are subject to frequent flooding, or that have excessively steep slopes.
- D. To preserve historic, archeological, and cultural features on the site.
- E. To create a contiguous network of open spaces or "greenways" by linking the common open spaces within the subdivision to open spaces on adjoining lands wherever possible.
- F. To reduce the impacts on water resources by minimizing land disturbance and the creation of impervious surfaces and stormwater runoff.
- G. To reduce the amount of roads, sidewalks, and stormwater management structures that must be built and maintained.
- H. To minimize the impact of residential development on the municipality, neighboring properties, and the natural environment.

203 GENERAL REGULATIONS

203.1 The Planning Board shall, in the exercise of the authority granted pursuant to NH RSA 674:36, review all proposed subdivisions with a view toward determining the impact that the proposed subdivision will have on various Town services; and to that end, determining whether such proposed subdivision, if permitted, would create one (1) of the following conditions:

- A. Constitute a scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire department, or other public services;
- B. Necessitate an excessive expenditure of public funds for the supply of such services.

If, after such review, the Board determines that the proposed subdivision would cause either of the aforementioned conditions, then the Board shall so inform the applicant and indicate that the applicant may modify the proposal to avoid the aforementioned conditions; and in doing so, the said Board may, considering all the circumstances, specify the extent to which the particular proposed subdivision may be developed in any given year, as well as establish the minimum duration of time for the total development of such particular subdivision. The Board shall state in its records any modifications it will require.

- **The applicant should familiarize themselves with the requirements of the Aquifer Conservation and Wellhead Protection District, Wetlands and Watershed Conservation District and Floodplain Conservation District Ordinances, the Stormwater Regulation requirements, the Subdivision Regulations, and the Roadway and Utility Standards.**
- **If this is to be a Planned Residential Development, that ordinance and regulations will also come into play.**
- **The Board may consider phasing and offsite road improvements.**
- **Impact fees will be assessed to this development.**

PROCEDURE:

- The applicant should be asked to give a presentation on the proposal.
- The applicant will be required to submit an application for a WWCD Conditional Use Permit for any wetland crossings, etc. If it is a Planned Residential Development, the applicant will be required to submit a CUP for the development. They should also be informed that the application must be in compliance with the Zoning Ordinance, Non-Residential Site Plan Review Regulations, Stormwater Regulations, and any requirements at the State or Federal level, e.g. AoT, wetlands, septic system approval, etc.
- The applicant should be informed of what the Planning Board *may* consider at the time they submit an application:
 - the Planning Board could consider the need for special studies, including traffic studies, soils mapping, drainage studies, etc.
 - the Planning Board would distribute the plans to other town departments and agencies for their review and comment.

- The applicant should be informed that once they submit an application they will be scheduled for public hearing, and notice letters will be sent to abutters. The Planning Board may conduct a site walk, to which other town departments and agencies will be invited. Once the application is determined to be complete, the Board must make a decision on said application within 65 days.

NOTE: Please be aware that the staff report does not represent any opinion of the Planning Board as to the acceptability of the plans; it is only to verify that the standard details and issues are addressed in some manner for the Board to consider. **There may, therefore, be items discussed at the hearing that have not been mentioned as part of the staff report or that are in direct contradiction to information contained herein.**

NS/

4/11/24

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