

## Jacobson/Transformations – Does the Proposal Comply With Zoning and Regulations?

### Disclaimer

My name is Tom Quinn. I am the author of this white paper that investigates the current issues relating to the Jacobson project and why this application should be voted down. It is necessary to be clear that this white paper, and the comments/positions contained within, are my personal opinions as a citizen and neighbor of this project, not as a member of the Planning Board. I have recused myself from the Transformations case and will not participate in Board discussions or deliberations. As the comments made herein are my own, they in no way represent the views or opinions of other Planning Board members or the Board as a whole. No current Board members or alternates were consulted in the writing of this white paper. Lastly, any comments contained herein are specific to the Transformation proposal and are not intended to opine about any other current or future applications before the Board.

### Discussion

The transformations proposal is a PRD that falls under the Integrated Innovative Housing Ordinance (IIHO). As such, it requires a conditional use permit and must comply with zoning section 3.18 (CUP), 4.16 (IIHO since deleted) and 4.17 (Planned Residential Development). Additionally, this application must comply with part four of Amherst's regulations, PRD. Other regulations apply as well but these will not be a focus of this white paper.

Each PB member must consider whether this application fully complies with the relevant ordinances and regulations as it must do to be approved. ***Compliance in whole is required. Compliance in part is unacceptable.***

The following pass/fail questions that come directly from the zoning ordinance and regulations must be asked and answered in the affirmative:

- 1 Does this application encourage the preservation of open space? NO-FAIL. Most of the buildable area will be disturbed, cleared and contain homes and project infrastructure. Open space referenced in this application is not buildable due to steep slopes or wetlands. The application itself does nothing to encourage the preservation of open space, it only permits building on the areas that are buildable.
- 2 Does this application provide for a greater variety of housing types and affordability? UNDETERMINED. It is possible that the various housing types used to get IIHO bonus density might provide some variety of housing types. It is unlikely however that this development will have any impact on affordability. Given the type of high performance/green housing proposed, it is entirely possible that the homes will be more expensive than comparable and more traditionally constructed homes.
- 3 Do the number of units proposed represent "somewhat greater density" than would otherwise be permitted by right? UNDETERMINED/SUBJECTIVE. The author believes that 133% of base density is more than "somewhat greater density". A newer version of the ZO (to which this application is not subject to) identifies 125% as the maximum threshold of "somewhat greater density". Ultimately, the determination on this application is subjective and each member will have their own opinions on the matter.
- 4 Would approval not result in causing a significant increase in population density? YES-PASS The author believes this is a poorly worded test since it would be very difficult for anything but the largest proposal to effect

a significant increase in population density. It is fair to ask though whether multiple large proposals will result in a significant increase in population density. That answer may very well be YES.

5 Are there identifiable clusters? NO – FAIL. Unless one considers filling up all the buildable area with homes and infrastructure as a single “cluster”, it is the author’s opinion that there is no easily identifiable cluster in this application. Further, frontage construction with direct frontage access does not lend itself to being “clustered”. This is a very important determination as identifiable cluster(s) are absolutely required in a PRD application.

6 Are the clusters harmonious with neighborhood developments? NO – FAIL. The author contends there is/are not identifiable clusters. Even if one believes there are clusters, the extensive tree clearing, eight years of site work, extensive and visible frontage construction and 15+ new curb cuts in less than 1500’ of roadway is NOT harmonious and will certainly detract from the value of the neighborhood, the environment and the town.

7 Are the clusters harmonious with natural surroundings? NO- FAIL. The author contends there is/are not identifiable clusters. Even if there were, this plan will stick out and not blend in as existing PRDs do well.

8 Clusters shall not detract from the ecological and visual qualities of the environment. Does this application comply? NO- FAIL. In addition to the reasons listed above, The PRD regulations are helpful in answering this question with more detailed and specific requirements including:

- Are stone walls and open fields retained? NO – Stone walls will be removed in part for the frontage construction and the farm field area is approximately 50% smaller than it is currently.
- Are views of brooks and hills retained from existing roads and within the PRD? NO. The proposal will significantly impact the view from CHR given the amount of tree clearing and excavation that will be required, especially on the hillside.
- Are mature native trees retained between units and the development in general? NO. The applicant has made no statement that mature trees will be retained and the plans supplied make clear that approximately 18ac of land will be cleared.
- Use of setbacks in excess of minimum requirements or use of varied setbacks? NO. Most of the frontage construction is at or around the minimum of 100’. Construction setbacks from existing abutters are at minimums as well.
- Are views of undeveloped land maintained from existing roads and from within the PRD? NO. One will be able to see most, if not all, of the units proposed in this application from Christian Hill Rd.
- Is lot placement along frontage avoided? NO. Not only is frontage construction not avoided, it represents almost half of the proposed units.
- Are there internal central areas such as greens, ponds, gardens or park areas that permit the sense of a natural core within the cluster? NO – there are no internal amenities that would indicate a natural core of a cluster.

9 Clusters shall not detract from the value of the neighborhood, environment or the Town. Does this application comply? NO-FAIL. See above.

10 The overall site plan and amenities should enhance the quality of living for residents, the neighborhood and the town. Does this application comply? NO-FAIL. While it might be possible that this plan may enhance the quality of life for those who ultimately live there, large amounts of excavation activity and truck traffic over



a long time line will not enhance the quality of life for neighbors immediately near the site or for those that live, walk to school or recreate in the Village area. Increased traffic in the neighborhood and Village will persist after construction is complete. Additionally, there are no proposed amenities of any significance that benefit anyone, including residents of the proposed site.

11 Is the site plan and number, type and design of the proposed housing suitable to the neighborhood and the master plan? NO-FAIL. Rural aesthetic is a very important piece of the Master Plan and the term is referenced many times throughout the document. When surveyed for the Master Plan, nearly 82% of respondents rate maintaining rural aesthetic as "most important" or "very important". The density and layout of this development is wildly out of line with the neighborhood. The Village will suffer from excessive construction traffic and additional residential traffic forever. Some may believe this is a fine plan but few agree it is an appropriate plan for the specific location.

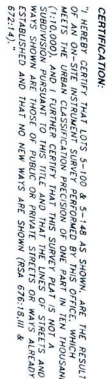
When an application fails any of the above mentioned requirements, efforts to rectify the defect(s) are usually made during the application review to remedy the problem. Most applications that fail the zoning and regulation tests are fixable. In the case of the Transformations/Jacobson application however, the biggest problems are unfixable. ***The biggest clue that this application is fundamentally flawed in design is that it simply does not look or act like any other PRD that has been approved and built in Amherst. The reason for this is simple. Existing PRDs largely comply with the spirit and intent of ordinances and regulations. Jacobson does not.***

#### Other considerations

1. Construction related traffic has not been neither reviewed nor considered with this application. Due to the nature of the site (slope construction largely) there will be significant material movement on site and material movement into and out of the site. While post construction traffic increases have been studied extensively, little consideration has been given to the extensive amount of construction truck traffic that will burden neighbors, parents and children around Clark and Wilkins and the Village in general for eight years at least.
2. The applicant has not supplied the necessary information required by the Amherst Storm Water Regulations. The largest void is how storm water flows will be handled during the construction period. How will this large excavation prevent silty runoff from entering Great Meadow over an eight year construction period?
3. During the CUP process, the SAU opined that this project may be problematic to the schools. This is one of only two times the author can recall in recent history where the SAU voiced concern.
4. This is a rare application that has become less compliant with the relevant ordinances and regulations as it has gone through the approval process. When compared with the plan discussed during the CUP process, the current plan has more frontage units, more frontage curb cuts, more tree clearing and fewer rental apartment units. (See attached plans – CUP and current)







- NOTES:**

1. A CONSTRUCTION STORM CONTAINMENT SHALL BE ON SITE DURING CONSTRUCTION ACTIVITIES.
2. THE PURPOSE OF THIS MAP IS TO DRAIN A SUBDIVISION OF LAND OF EXISTING LOT 1-4 AND TO DRAIN A PORTION OF LOT 1-4 AND TO DRAIN A PORTION OF LOT 2-4 AND LOT 3-4 WITH A LAKE REMAINING LOT 1-4 AND LOT 2-4 WILL BE DIVIDED INTO TWO LOTS, LOT 1-4 AND LOT 2-4, WITH A LAKE REMAINING LOT 1-4 AND LOT 2-4.
3. THE CHURCH OF CHRIST, A NON-PROFIT CORPORATION, HAS BEEN GRANTED A EASEMENT RECORDED FIRST WITH AN ADDRESS OF 404 HUNTER RD, LOT 1-4, LOT 2-4, LOT 3-4, LOT 4-4, LOT 5-4, LOT 6-4, LOT 7-4, LOT 8-4, LOT 9-4, LOT 10-4, LOT 11-4, LOT 12-4, LOT 13-4, LOT 14-4, LOT 15-4, LOT 16-4, LOT 17-4, LOT 18-4, LOT 19-4, LOT 20-4, LOT 21-4, LOT 22-4, LOT 23-4, LOT 24-4, LOT 25-4, LOT 26-4, LOT 27-4, LOT 28-4, LOT 29-4, LOT 30-4, LOT 31-4, LOT 32-4, LOT 33-4, LOT 34-4, LOT 35-4, LOT 36-4, LOT 37-4, LOT 38-4, LOT 39-4, LOT 40-4, LOT 41-4, LOT 42-4, LOT 43-4, LOT 44-4, LOT 45-4, LOT 46-4, LOT 47-4, LOT 48-4, LOT 49-4, LOT 50-4, LOT 51-4, LOT 52-4, LOT 53-4, LOT 54-4, LOT 55-4, LOT 56-4, LOT 57-4, LOT 58-4, LOT 59-4, LOT 60-4, LOT 61-4, LOT 62-4, LOT 63-4, LOT 64-4, LOT 65-4, LOT 66-4, LOT 67-4, LOT 68-4, LOT 69-4, LOT 70-4, LOT 71-4, LOT 72-4, LOT 73-4, LOT 74-4, LOT 75-4, LOT 76-4, LOT 77-4, LOT 78-4, LOT 79-4, LOT 80-4, LOT 81-4, LOT 82-4, LOT 83-4, LOT 84-4, LOT 85-4, LOT 86-4, LOT 87-4, LOT 88-4, LOT 89-4, LOT 90-4, LOT 91-4, LOT 92-4, LOT 93-4, LOT 94-4, LOT 95-4, LOT 96-4, LOT 97-4, LOT 98-4, LOT 99-4, LOT 100-4, LOT 101-4, LOT 102-4, LOT 103-4, LOT 104-4, LOT 105-4, LOT 106-4, LOT 107-4, LOT 108-4, LOT 109-4, LOT 110-4, LOT 111-4, LOT 112-4, LOT 113-4, LOT 114-4, LOT 115-4, LOT 116-4, LOT 117-4, LOT 118-4, LOT 119-4, LOT 120-4, LOT 121-4, LOT 122-4, LOT 123-4, LOT 124-4, LOT 125-4, LOT 126-4, LOT 127-4, LOT 128-4, LOT 129-4, LOT 130-4, LOT 131-4, LOT 132-4, LOT 133-4, LOT 134-4, LOT 135-4, LOT 136-4, LOT 137-4, LOT 138-4, LOT 139-4, LOT 140-4, LOT 141-4, LOT 142-4, LOT 143-4, LOT 144-4, LOT 145-4, LOT 146-4, LOT 147-4, LOT 148-4, LOT 149-4, LOT 150-4, LOT 151-4, LOT 152-4, LOT 153-4, LOT 154-4, LOT 155-4, LOT 156-4, LOT 157-4, LOT 158-4, LOT 159-4, LOT 160-4, LOT 161-4, LOT 162-4, LOT 163-4, LOT 164-4, LOT 165-4, LOT 166-4, LOT 167-4, LOT 168-4, LOT 169-4, LOT 170-4, LOT 171-4, LOT 172-4, LOT 173-4, LOT 174-4, LOT 175-4, LOT 176-4, LOT 177-4, LOT 178-4, LOT 179-4, LOT 180-4, LOT 181-4, LOT 182-4, LOT 183-4, LOT 184-4, LOT 185-4, LOT 186-4, LOT 187-4, LOT 188-4, LOT 189-4, LOT 190-4, LOT 191-4, LOT 192-4, LOT 193-4, LOT 194-4, LOT 195-4, LOT 196-4, LOT 197-4, LOT 198-4, LOT 199-4, LOT 200-4, LOT 201-4, LOT 202-4, LOT 203-4, LOT 204-4, LOT 205-4, LOT 206-4, LOT 207-4, LOT 208-4, LOT 209-4, LOT 210-4, LOT 211-4, LOT 212-4, LOT 213-4, LOT 214-4, LOT 215-4, LOT 216-4, LOT 217-4, LOT 218-4, LOT 219-4, LOT 220-4, LOT 221-4, LOT 222-4, LOT 223-4, LOT 224-4, LOT 225-4, LOT 226-4, LOT 227-4, LOT 228-4, LOT 229-4, LOT 230-4, LOT 231-4, LOT 232-4, LOT 233-4, LOT 234-4, LOT 235-4, LOT 236-4, LOT 237-4, LOT 238-4, LOT 239-4, LOT 240-4, LOT 241-4, LOT 242-4, LOT 243-4, LOT 244-4, LOT 245-4, LOT 246-4, LOT 247-4, LOT 248-4, LOT 249-4, LOT 250-4, LOT 251-4, LOT 252-4, LOT 253-4, LOT 254-4, LOT 255-4, LOT 256-4, LOT 257-4, LOT 258-4, LOT 259-4, LOT 260-4, LOT 261-4, LOT 262-4, LOT 263-4, LOT 264-4, LOT 265-4, LOT 266-4, LOT 267-4, LOT 268-4, LOT 269-4, LOT 270-4, LOT 271-4, LOT 272-4, LOT 273-4, LOT 274-4, LOT 275-4, LOT 276-4, LOT 277-4, LOT 278-4, LOT 279-4, LOT 280-4, LOT 281-4, LOT 282-4, LOT 283-4, LOT 284-4, LOT 285-4, LOT 286-4, LOT 287-4, LOT 288-4, LOT 289-4, LOT 290-4, LOT 291-4, LOT 292-4, LOT 293-4, LOT 294-4, LOT 295-4, LOT 296-4, LOT 297-4, LOT 298-4, LOT 299-4, LOT 300-4, LOT 301-4, LOT 302-4, LOT 303-4, LOT 304-4, LOT 305-4, LOT 306-4, LOT 307-4, LOT 308-4, LOT 309-4, LOT 310-4, LOT 311-4, LOT 312-4, LOT 313-4, LOT 314-4, LOT 315-4, LOT 316-4, LOT 317-4, LOT 318-4, LOT 319-4, LOT 320-4, LOT 321-4, LOT 322-4, LOT 323-4, LOT 324-4, LOT 325-4, LOT 326-4, LOT 327-4, LOT 328-4, LOT 329-4, LOT 330-4, LOT 331-4, LOT 332-4, LOT 333-4, LOT 334-4, LOT 335-4, LOT 336-4, LOT 337-4, LOT 338-4, LOT 339-4, LOT 340-4, LOT 341-4, LOT 342-4, LOT 343-4, LOT 344-4, LOT 345-4, LOT 346-4, LOT 347-4, LOT 348-4, LOT 349-4, LOT 350-4, LOT 351-4, LOT 352-4, LOT 353-4, LOT 354-4, LOT 355-4, LOT 356-4, LOT 357-4, LOT 358-4, LOT 359-4, LOT 360-4, LOT 361-4, LOT 362-4, LOT 363-4, LOT 364-4, LOT 365-4, LOT 366-4, LOT 367-4, LOT 368-4, LOT 369-4, LOT 370-4, LOT 371-4, LOT 372-4, LOT 373-4, LOT 374-4, LOT 375-4, LOT 376-4, LOT 377-4, LOT 378-4, LOT 379-4, LOT 380-4, LOT 381-4, LOT 382-4, LOT 383-4, LOT 384-4, LOT 385-4, LOT 386-4, LOT 387-4, LOT 388-4, LOT 389-4, LOT 390-4, LOT 391-4, LOT 392-4, LOT 393-4, LOT 394-4, LOT 395-4, LOT 396-4, LOT 397-4, LOT 398-4, LOT 399-4, LOT 400-4, LOT 401-4, LOT 402-4, LOT 403-4, LOT 404-4, LOT 405-4, LOT 406-4, LOT 407-4, LOT 408-4, LOT 409-4, LOT 410-4, LOT 411-4, LOT 412-4, LOT 413-4, LOT 414-4, LOT 415-4, LOT 416-4, LOT 417-4, LOT 418-4, LOT 419-4, LOT 420-4, LOT 421-4, LOT 422-4, LOT 423-4, LOT 424-4, LOT 425-4, LOT 426-4, LOT 427-4, LOT 428-4, LOT 429-4, LOT 430-4, LOT 431-4, LOT 432-4, LOT 433-4, LOT 434-4, LOT 435-4, LOT 436-4, LOT 437-4, LOT 438-4, LOT 439-4, LOT 440-4, LOT 441-4, LOT 442-4, LOT 443-4, LOT 444-4, LOT 445-4, LOT 446-4, LOT 447-4, LOT 448-4, LOT 449-4, LOT 450-4, LOT 451-4, LOT 452-4, LOT 453-4, LOT 454-4, LOT 455-4, LOT 456-4, LOT 457-4, LOT 458-4, LOT 459-4, LOT 460-4, LOT 461-4, LOT 462-4, LOT 463-4, LOT 464-4, LOT 465-4, LOT 466-4, LOT 467-4, LOT 468-4, LOT 469-4, LOT 470-4, LOT 471-4, LOT 472-4, LOT 473-4, LOT 474-4, LOT 475-4, LOT 476-4, LOT 477-4, LOT 478-4, LOT 479-4, LOT 480-4, LOT 481-4, LOT 482-4, LOT 483-4, LOT 484-4, LOT 485-4, LOT 486-4, LOT 487-4, LOT 488-4, LOT 489-4, LOT 490-4, LOT 491-4, LOT 492-4, LOT 493-4, LOT 494-4, LOT 495-4, LOT 496-4, LOT 497-4, LOT 498-4, LOT 499-4, LOT 500-4, LOT 501

**ROBERT H. JACOBSON  
REVOCABLE TRUST**  
PREPARED FOR:  
**TRANSFARMATIONS, INC.**

TAX MAP 5 LOTS 100 & 148  
AMHERST, NEW HAMPSHIRE  
SCALE: 1" = 200'  
DECEMBER 27, 2024



# 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

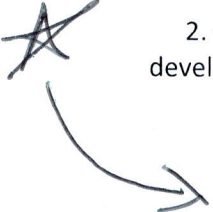
##### A. Application

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.