



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

**AMHERST ZONING BOARD OF ADJUSTMENT**  
**AGENDA**  
**REVISED: JULY 27, 2016**

The Amherst Zoning Board of Adjustment will hold a Public Hearing on **Tuesday, August 16, 2016** at 7:00 PM in the Barbara Landry Meeting Room, 2<sup>nd</sup> Floor, Amherst Town Hall, 2 Main Street, Amherst, NH concerning the following:

**PLEASE NOTE CHANGE IN MEETING LOCATION:**  
**Souhegan High School, 412 Boston Post Road, Theater Room, Amherst, NH 03031**

**Old Business:**

1. **Request for Rehearing: CASE #: PZ7330-041216;** Migrela Realty Trust II (Owner); 153, 155 & 169 Hollis Street; PIN #s: 001-008-002, 001-008-000, 002-007-000 is requesting a rehearing of an appeal of an administrative decision that was denied by the Board. *Continued from July 19, 2016.*

**New Business:**

2. **CASE #: PZ7676-071516: Arboleda Realty, LLC (dba LaBelle Winery), 340 NH Route 101, PIN # 008-052-000 in the Northern Transitional Zone.** Application for a variance from Article IV, Section 4.4, D. 4 to construct a building that would exceed the maximum 40-foot height by 12.5 feet.
3. **CASE #: PZ7677-071516: Arboleda Realty, LLC (dba LaBelle Winery), 340 NH Route 101, PIN # 008-052-000 in the Northern Transitional Zone.** Application for a variance from Article IV, Section 4.4, B to allow the following uses that are not permitted in the Zone: a distillery with tasting room/small function room, event center, office building, and an inn with a spa and restaurant.

**Other Business:**

4. **Minutes:** July 19, 2016

Application materials associated with the cases can be found on the  
Town of Amherst website at

[http://www.amherstnh.gov/sites/amherstnh/files/agendas/zba\\_packet\\_8-16-16-2.pdf](http://www.amherstnh.gov/sites/amherstnh/files/agendas/zba_packet_8-16-16-2.pdf).



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

**ZONING BOARD OF ADJUSTMENT APPLICATION**

Case # \_\_\_\_\_

1. **Type of Application:** (check all that apply)

- Special Exception  
 Appeal of Administrative Decision  
 Equitable Waiver of Dimensional Requirement

- Variance  
 Variance for the handicapped\*

\* Please see RSA 674:33(V)

2. **Project Name:** Distillery and Inn at LaBelle Winery

3. **Project Address:** 340 Route 101 Map: 008 Lot 052 - 000

4. **Zoning District and Subdistricts:** (check all that apply)

- |  |   |
|--|---|
| <input type="checkbox"/> Aquifer Conservation & Wellhead Protection District (ACWPD) | <input type="checkbox"/> Commercial Zone (C)    |
| <input type="checkbox"/> Flood Plain Conservation District (FPCD)                    | <input type="checkbox"/> General Office (GO)    |
| <input type="checkbox"/> Historic District (HD)                                      | <input type="checkbox"/> Industrial (I)         |
| <input type="checkbox"/> Limited Commercial (LC)                                     | <input type="checkbox"/> Northern Rural (NRZ)   |
| <input checked="" type="checkbox"/> Northern Transitional (NTZ)                      | <input type="checkbox"/> Residential/Rural (RR) |
| <input type="checkbox"/> Wetland & Watershed Conservation District (WWCD)            |   |

5. **Primary Contact:** Amy LaBelle Email: amy@labelwinerynh.com

Applicant  Owner  Attorney  Surveyor/Engineer Phone: \_\_\_\_\_

6. **Applicant:** Arboleda Realty, LLC

Address: 345 Route 101 City: Amherst State: NH Zip: 03031  
Phone: 672-9898 Email: amy@labelwinerynh.com

7. **Owner's Name(s):** Richard Bragdon, Trustee of the Richard N. Bragdon Family Trust

Address: c/o Betsy Noble, 43 High Street City: Richmond State: ME Zip: 04357  
Phone: \_\_\_\_\_ Email: \_\_\_\_\_

8. **Surveyor/Engineer, Attorney, or Agent:** Attorney Morgan A. Hollis

Address: 39 East Pearl Street City: Nashua State: NH Zip: 03060  
Phone: 318-0455 Email: mhollis@nh-lawyers.com

9. **Relief is requested from the provisions of Article: IV, Section: 4.4i, Paragraph: D.4**

**In order that he or she may:** *(purpose)* construct a building (country inn) to a height of 52.5 feet from first floor elevation where a maximum of 40 feet from average ground elevation is permitted.

**INSTRUCTIONS FOR SUBMITTING A COMPLETE APPLICATIONS (Please read carefully)**  
 For an application to be scheduled on the next available Zoning Board of Adjustment agenda, the following items **MUST** be submitted to the Planning & Zoning Dept. by close of business on the officially posted scheduled date:

1. **Completed and signed Zoning Board of Adjustment (ZBA) Application Form.**  
 The application will not be placed on the ZBA agenda unless all required signatures are on the application. The owner MUST sign the application form.
2. **Four (4) large prints of the certified plat plan, eleven (11) copies of the complete application package, and one PDF digital copy.**  
 A complete application package consists of an 11"x17" certified plat plan stamped by a licensed land surveyor and additional documentation including answers to attached questions and building plans (floor and elevations). PDF files may be emailed to [smurchoff@psdsouth.com](mailto:smurchoff@psdsouth.com) or submitted via CD, DVD, or thumb drive at the time of application.  
*Note: Applications relating to buffers, water resource impacts, or steep slopes require two (2) foot contours be detailed on the certified plat plan, unless waived by Zoning Administrator (adopted October 16, 2012).*
3. **Abutters Mailing Labels**  
 Submit two (2) sets of printed, typed, mailing labels for all abutters as defined by RSA 672:3, including abutters, licensed professional in plan, owners, and applicants.
4. **Application Fee**  
 Fees will be determined at the time you turn in the application. Fees are based on the application and number of certified mailings which must be sent. All checks are to be made payable to the "Town of Amherst."

Fee Calc: ZBA application \$150 + (\$7 x \_\_\_\_\_ abutters = \$ \_\_\_\_\_ ) = \$ \_\_\_\_\_ total due.

**AUTHORIZED SIGNATURES**

I/We have read the Zoning Ordinance (as applicable). The undersigned understands that the Amherst Zoning Board of Adjustment must have a completed application on file with the Office of Community Development in accordance with the Zoning Board's annual schedule of meeting and deadline dates. I/We also certify that the abutters are as shown in the Town's records within five (5) days of the filing of this application.

*[Signature]*  
 Applicant's Signature

July 13 2016  
 Date

Owner(s): I/We, as owner(s) of the property described hereon, certify that this application is correctly completed with all required attachments and requirements in accordance with the Zoning Ordinance for the Town of Amherst. I/We also authorize members of the Amherst Zoning Board of Adjustment and its agents to assess the property described on this application for on-site review of the proposed application.

Nancy A. Kierstead, Trustee  
 Name (Please print) and Title

7-14-16  
 Date

If Applicable: Owner(s) authorization for Applicant or Agent to represent the application: The applicant or agent, as stated hereon, has authorization from the property owner to submit this application and represent the property owner on matters relative to the Town's Zoning Board of Adjustment process.

*[Signature]*  
 Owner's Signature

7-14-16  
 Date

**NOTE:** Fill in Sections 1, 2, 3, or 4 as appropriate. This application is not acceptable unless all required statements have been made. Answers may also be supplied on separate sheets, if the space provided is inadequate.

**Section 1 - Variance** For a Variance request, please answer the following questions detailing how the project request meets the criteria:

1. How will granting the Variance not be contrary to the public interest? *(In responding to this question, please address: (1) How granting the variance would not conflict with the explicit or implicit purpose of the Ordinance, and (2) How granting the variance would threaten public health, safety or welfare.)*
2. How will the granting of the variance ensure the spirit of the ordinance will be observed *(Please explain)?*
3. How will substantial justice be done? *(Describe how the benefit to the applicant is not outweighed by harm to the general public or to other individuals.)*
4. How will the value of the surrounding properties not be diminished *(Please explain)?*
5. Literal enforcement of the provisions of the Ordinance would result in unnecessary hardship because:
  - (A) For the purpose of this subparagraph, “unnecessary hardship” means that owing to special conditions of the property that distinguish it from other properties in the area:
    - (i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:  
and
    - (ii) The proposed use is a reasonable one because:
  - (B) Explain how, if the criteria in subparagraph (A) above are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the Ordinance, and a Variance is therefore necessary to enable a reasonable use of it:

**Section 2 - Special Exception (SE)** For a SE request, please answer the following questions:

1. Is the use allowed by special exception in the Zoning District? Please explain.
2. Is the property in conformance with the dimensional requirements of the zone, and is the use compatible with the Amherst Master Plan? Please explain
3. Is there safe pedestrian and vehicular access? Please explain
4. Will there be no significant adverse impacts resulting from the proposed use on safety and general welfare of the neighborhood and the Town? Please explain
5. Will the use be more objectionable to nearby properties by reason of noise, fumes, or inappropriate lighting than is existing now? Please explain
6. Does the plan submitted accurately depict the use and physical dimensions of the property? Please explain
7. Will the use adversely affect the ground water? Please explain

**Section 3 - Equitable Waiver (EW)** For a EW, request please answer the following questions:

1. Explain how:
  - a. The violation has existed ten (10) years or more with no enforcement action, including written notice, being commenced by the Town?  
– OR –
  - b. The nonconformity was discovered after the structure was substantially completed or after a vacant lot in violation had be transferred to a bona fide purchaser?  
– AND –
  - c. The violation was not an outcome of ignorance of the law or bad faith but resulted from a good faith error in measurement or calculation?
2. Explain how the nonconformity does not constitute a nuisance nor diminish the value or interfere with future uses of other property in the area?
3. Explain how the cost of correction far outweighs any public benefit to be gained?

**Section 4 - Administrative Appeal** For an Administrative Appeal, request please answer the following questions:

Explain why there was an error in the interpretation of the Amherst Zoning Ordinance made by the Administrative Official in the order, requirement, decision, or determination made by said Administrative Official?

**Addendum Sheet to Application to the Amherst Zoning Board of Adjustment for  
Variances for a Portion of Lot 52, Map 8 Route 101, Amherst, New Hampshire**

**Applicant:** Arboleda Realty LLC

**Owner:** Richard Bragdon, Trustee of the Richard N. Bragdon Family Trust

**1. How will granting the variance not be contrary to the public interest?**

Existing barns in the area are similar height so this will not alter the character of the neighborhood. The structure will meet all safety code requirements and will not threaten public health, safety or welfare.

**2. How will the granting of the variance ensure the spirit of the ordinance will be observed?**

The proposed increase in height over that permitted is similar to other large barns in the area and will not alter the character of the neighborhood. The proposed height increase will meet all safety code requirements.

**3. How will substantial justice be done?**

It will allow appropriate scale of the building without any harm to the general public or other individuals.

**4. How will the value of surrounding properties not be diminished?**

Similar height to existing barns and because of its location the height difference from permitted height will neither be noticeable to the public nor have any effect on adjoining properties.

**5. Literal enforcement of the provisions of the Ordinance would result in unnecessary hardship because:**

- (A) (i) Because of this particular property's location and features, limiting the height to 40 feet versus 52 1/2 feet bears no fair and substantial relationship to the general public purposes of health, safety and welfare or scale of development in the zone. Requiring a shorter building simply because the ordinance requires it without any public purpose is unreasonable and imposes a hardship upon the applicant.
- (ii) The height differential of 12 1/2 feet is minimal and appropriate for the proposed building size

**ABUTTERS LIST**

Town of Amherst  
P.O. Box 960  
Amherst, NH 03031  
Lot 8-54-1

Howling Hill, LLC  
336 Route 101  
Amherst, NH 03031  
Lot 8-51-4

Donna E. Woods  
332 Route 101  
Amherst, NH 03031  
Lot 8-51-2

Joseph G. Mahoney, Trustee  
5 Winterberry Drive  
Amherst, NH 03031  
Lot 8-53-19

Robert S. Carson  
7 Winterberry Drive  
Amherst, NH 03031  
Lot 8-53-18

Jacob Macedo  
9 Winterberry Drive  
Amherst, NH 03031  
Lot 8-53-17

Richard J. Fredette  
3 Winterberry Drive  
Amherst, NH 03031  
Lot 8-5-20

Charles E. Price  
13 Harbourside Drive  
Moultonborough, NH 03254  
Lot 8-53-16

Arboleda Realty, LLC  
100 Chestnut Hill Road  
Amherst, NH 03031  
Lot 8-57

Town of Amherst  
P.O. Box 960  
Amherst, NH 03031  
Lot 8-56

Friends of Young Judea  
22 Priscilla Circle  
Wellesley, MA 02481  
Lot 8-58-A

**Owner:**

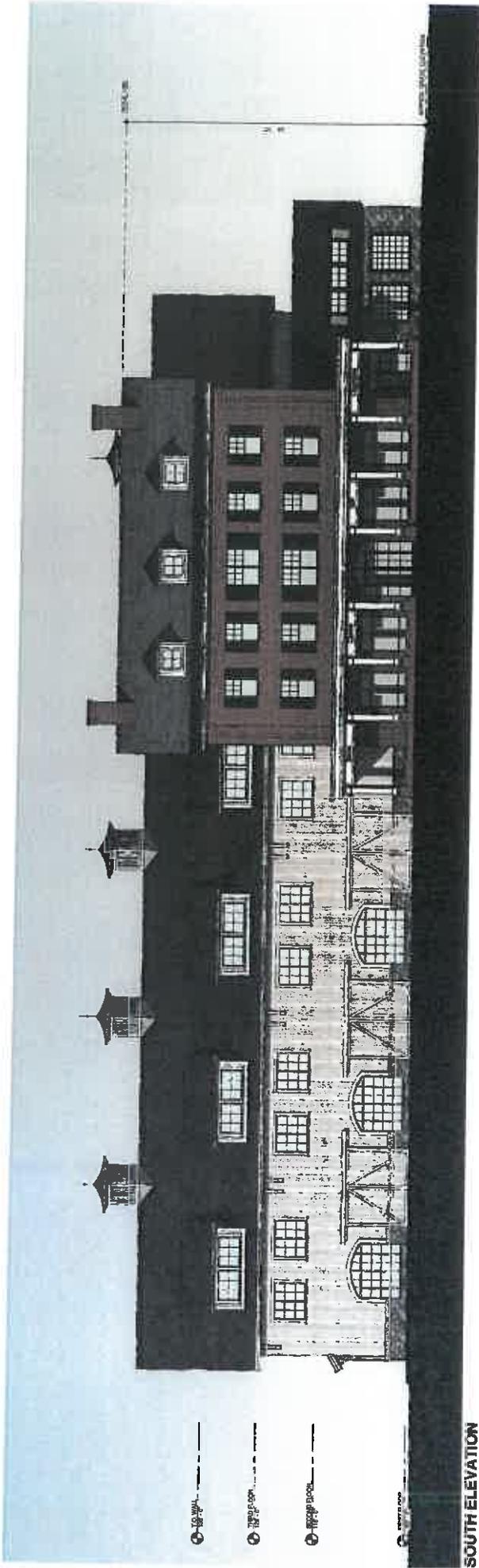
Richard Bragdon Trustee  
c/o Betsey Noble  
43 High Street  
Richmond, ME 04357

**Applicant:**

Arboleda Realty LLC  
100 Chestnut Hill Road  
Amherst, NH 03031  
Attn: Amy Labelle

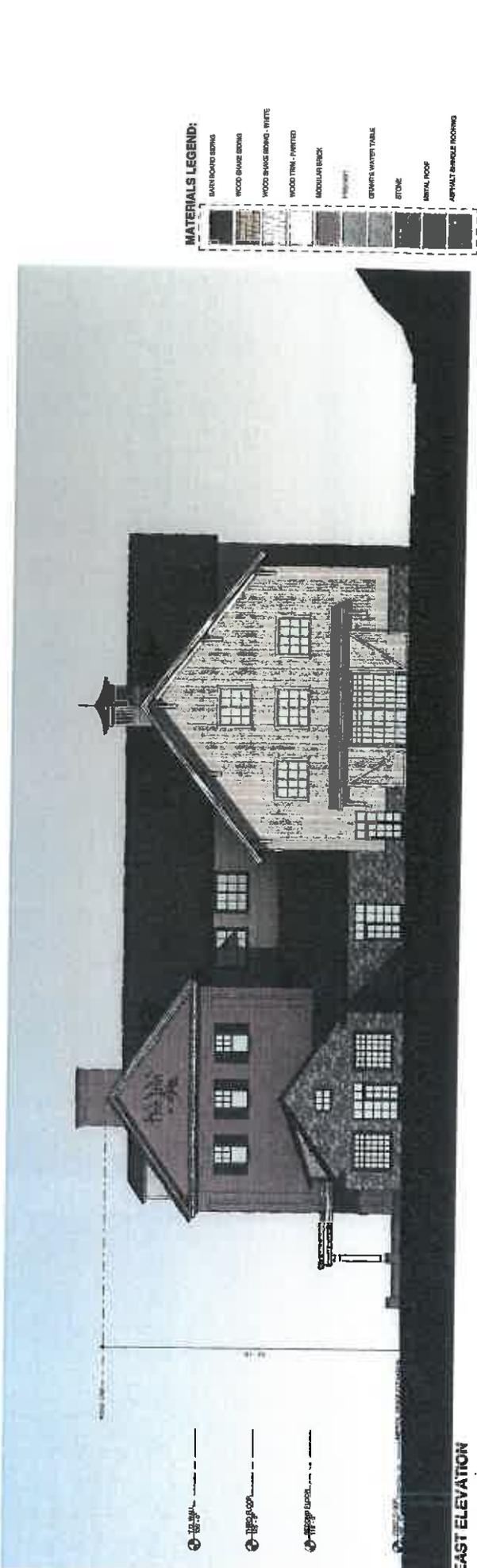
**Attorney:**

Morgan A. Hollis, Esquire  
Gottesman & Hollis, PA  
39 East Pearl Street  
Nashua, NH 03060



**SOUTH ELEVATION**

- 10'-0" HIGH
- 10'-0" HIGH
- 10'-0" HIGH



**EAST ELEVATION**

**MATERIALS LEGEND:**

- DAWKINS BOARD SIDING
- WOOD SHAKE SIDING
- WOOD SHAKE SIDING - WHITE
- WOOD TRIM - PAINTED
- MODULAR BRICK
- STONE
- GRANITE WATER TABLE
- STONE
- METAL ROOF
- ASPHALT SHINGLE ROOFING

**BMA Architectural Group, P.C.**  
 1000 ...  
 401 ...

**AMY LABELLE & CESAR ARBOLEDA**  
 345 ROUTE 101, AMHERST NH 03051

**THE INN AT LABELLE WINERY**  
 340 ROUTE 101, AMHERST NH 03051

NOT FOR CONSTRUCTION

SCALE 1" = 10'-0"

DATE: 10/15/2014

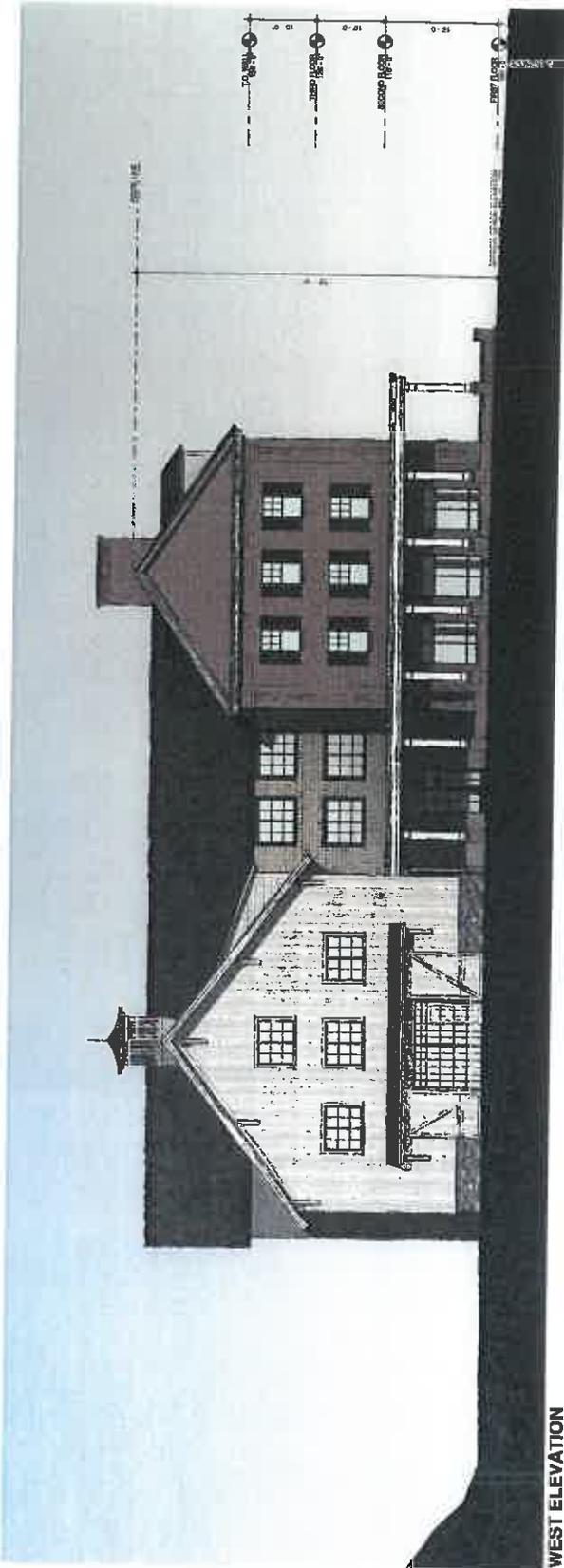
PROJECT: THE INN AT LABELLE WINERY

ARCHITECT: AMY LABELLE & CESAR ARBOLEDA

1000 ... 401 ...

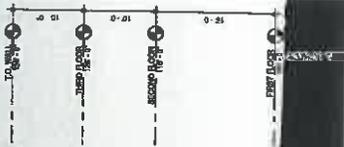


EXTERIOR PERSPECTIVE 5



**MATERIALS LEGEND:**

- SMALL BOARD BRICK
- WOOD SHAKE BRICK
- WOOD SHAKE BRICK - WHITE
- WOOD TRIM - PAINTED
- MODULAR BRICK
- BRICK
- GRANITE WATER TABLE
- STONE
- METAL ROOF
- ASPHALT SHINGLE ROOFING



WEST ELEVATION

**BMA** Architectural Group, P.C.  
 345 ROUTE 101, AMHERST, MA 01001  
 413-253-1111  
 www.bma-architect.com

**AMY LABELLE & CESAR ARBOLEDA**  
 345 ROUTE 101, AMHERST, MA 01001

**THE INN AT LABELLE WINERY**  
 345 ROUTE 101, AMHERST, MA 01001

NOT FOR CONSTRUCTION

EXTERIOR ELEVATION 5  
 PERSPECTIVE

A-202

22'

11'

11'

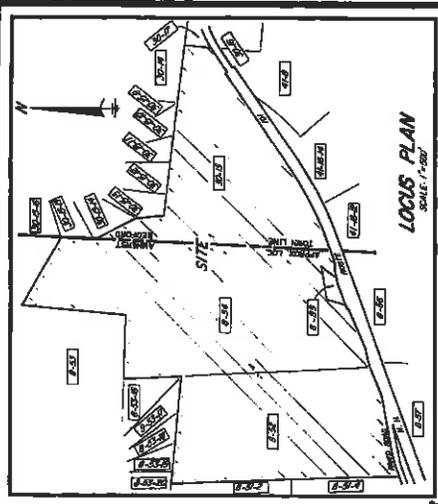
5'

65'

11'

17'

22'



**REFERENCE PLANS**

1. "SUBDIVISION PLAN OF LAND - BRAGDON TRACT - SECTION 4 & 5" - 1988 PLAT MAP FILED IN 1989 BY THE COUNTY OF HUNTERDON, NEW JERSEY.

2. "SUBDIVISION PLAN OF LAND - BRAGDON TRACT - SECTION 4 & 5" - 1988 PLAT MAP FILED IN 1989 BY THE COUNTY OF HUNTERDON, NEW JERSEY.

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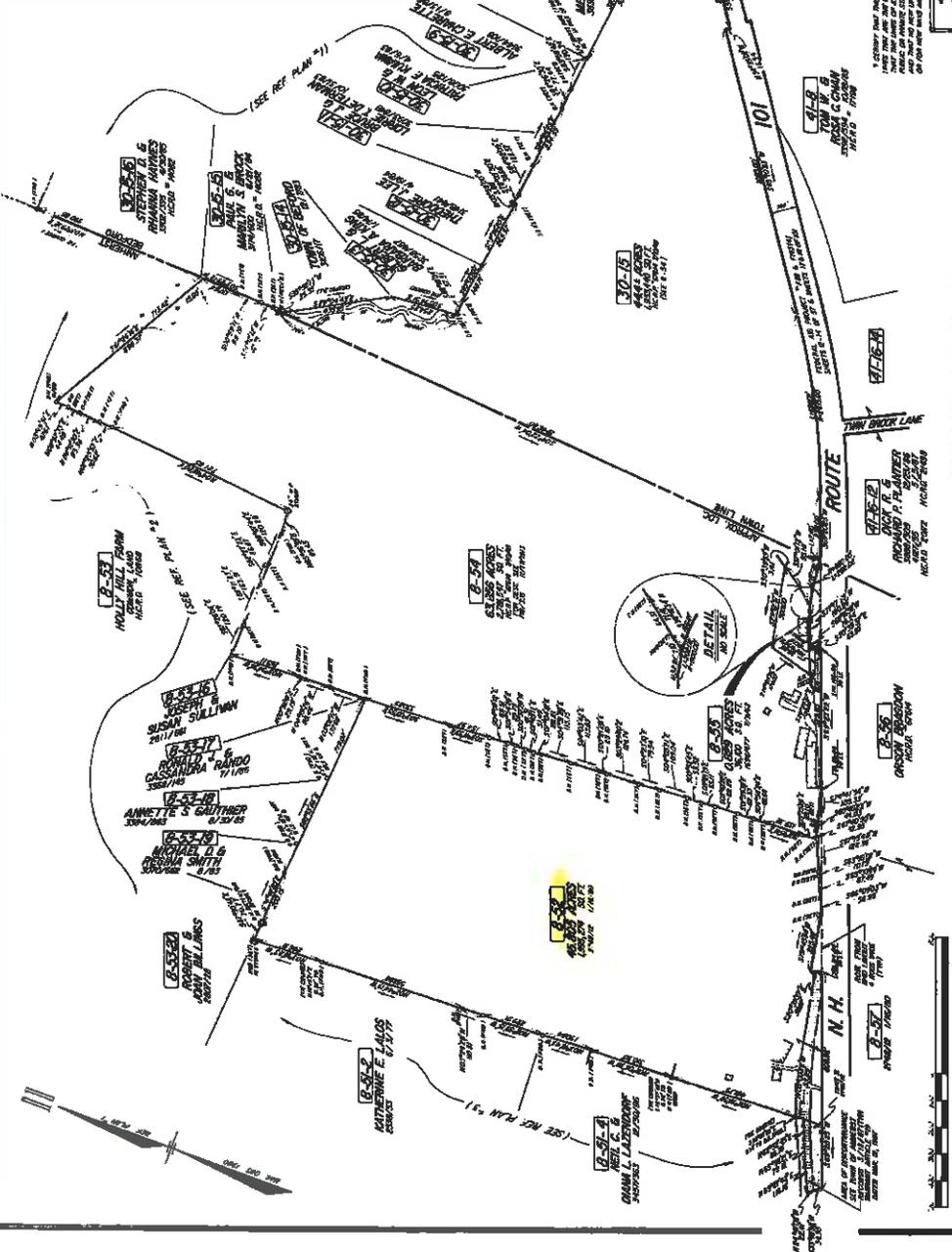
**NOTES**

1. THE OWNER OF RECORD OF PLOT 22 SHOULD BE AWARE THAT THE AREA OF PLOT 22 IS SHOWN AS BEING 100.00 SQ. FT. IN THE 1988 PLAT MAP FILED IN 1989 BY THE COUNTY OF HUNTERDON, NEW JERSEY.

2. THE OWNER OF RECORD OF PLOT 22 SHOULD BE AWARE THAT THE AREA OF PLOT 22 IS SHOWN AS BEING 100.00 SQ. FT. IN THE 1988 PLAT MAP FILED IN 1989 BY THE COUNTY OF HUNTERDON, NEW JERSEY.

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**THOMAS F. MORAN INC.**  
 Surveyors and Land Planners  
 1000 N. 10th St.  
 Newark, NJ 07102  
 Phone: (908) 833-1100



**BOUNDARY PLAN OF LAND**  
 PREPARED FOR  
**ORSON H. BRAGDON**  
 AMHERST/BEDFORD, N. H.  
 SCALE: 1"=200' JUNE 19, 1988

Sheet # 22896  
 Date 05/88  
 1 of 2  
 1 of 2









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

**ZONING BOARD OF ADJUSTMENT APPLICATION**

Case # \_\_\_\_\_

1. **Type of Application:** (check all that apply)

- Special Exception
- Appeal of Administrative Decision
- Equitable Waiver of Dimensional Requirement

- Variance
- Variance for the handicapped\*

\* Please see RSA 674:33(V)

2. **Project Name:** Distillery and Inn at LaBelle Winery

3. **Project Address:** 340 Route 101 Map: 008 Lot 052 - 000

4. **Zoning District and Subdistricts:** (check all that apply)

- |  |   |
|--|---|
| <input type="checkbox"/> Aquifer Conservation & Wellhead Protection District (ACWPD) | <input type="checkbox"/> Commercial Zone (C)    |
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5. **Primary Contact:** Amy LaBelle Email: \_\_\_\_\_

Applicant  Owner  Attorney  Surveyor/Engineer Phone: \_\_\_\_\_

6. **Applicant:** Arboleda Realty, LLC

Address: 345 Route 101 City: Amherst State: NH Zip: 03031  
 Phone: 672-9898 Email: amy@labellwinerynh.com

7. **Owner's Name(s):** Richard Bragdon, Trustee of the Richard N. Bragdon Family Trust

Address: c/o Betsy Noble, 43 High Street City: Richmond State: ME Zip: 04357  
 Phone: \_\_\_\_\_ Email: \_\_\_\_\_

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9. **Relief is requested from the provisions of Article: IV, Section: 4.4, Paragraph: B**

**In order that he or she may:** *(purpose)*  
operate a distillery with tasting room (usable as a small function room), event center for up to 120  
guests, an office building (in former residence), an inn having up to 24 rooms, a spa, a restaurant  
and bar with seating not to exceed 150 seats inside and a retail area.

**INSTRUCTIONS FOR SUBMITTING A COMPLETE APPLICATION (Please read carefully)**  
For an application to be scheduled on the next available Zoning Board of Adjustment agenda, the following items **SHALL** be submitted to the Planning & Zoning Dept. by close of business on the officially posted submittal date:

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Fee Calc: ZBA application \$150 + (\$7 x \_\_\_ abutters - \$ \_\_\_\_\_) = \$ \_\_\_\_\_ total due.

**AUTHORIZED SIGNATURES**

*I/We have read the Zoning Ordinance (as applicable). The undersigned understands that the Amherst Zoning Board of Adjustment must have a completed application on file with the Office of Community Development in accordance with the Zoning Board's annual schedule of meeting and deadlines dates. I/We also certify that the abutters are as shown in the Town's records within five (5) days of the filing of this application.*

  
Applicant's Signature

July 13 2016  
Date

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Nancy A. Kierstead  
Name (please print) and Title

7-14-16  
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**Section 1 - Variance** For a Variance request, please answer the following questions detailing how the project request meets the criteria:

1. How will granting the Variance not be contrary to the public interest? *(In responding to this question, please address: (1) How granting the variance would not conflict with the explicit or implicit purpose of the Ordinance, and (2) How granting the variance would threaten public health, safety or welfare.)*
2. How will the granting of the variance ensure the spirit of the ordinance will be observed *(Please explain)?*
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4. How will the value of the surrounding properties not be diminished *(Please explain)?*
5. Literal enforcement of the provisions of the Ordinance would result in unnecessary hardship because:
  - (A) For the purpose of this subparagraph, “unnecessary hardship” means that owing to special conditions of the property that distinguish it from other properties in the area:
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and
    - (ii) The proposed use is a reasonable one because:
  - (B) Explain how, if the criteria in subparagraph (A) above are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the Ordinance, and a Variance is therefore necessary to enable a reasonable use of it:

**Section 2 - Special Exception (SE)** For a SE request, please answer the following questions:

1. Is the use allowed by special exception in the Zoning District? Please explain.
2. Is the property in conformance with the dimensional requirements of the zone, and is the use compatible with the Amherst Master Plan? Please explain
3. Is there safe pedestrian and vehicular access? Please explain
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6. Does the plan submitted accurately depict the use and physical dimensions of the property? Please explain
7. Will the use adversely affect the ground water? Please explain

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  - a. The violation has existed ten (10) years or more with no enforcement action, including written notice, being commenced by the Town?  
– OR –
  - b. The nonconformity was discovered after the structure was substantially completed or after a vacant lot in violation had be transferred to a bona fide purchaser?  
– AND –
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**Addendum Sheet to Application to the Amherst Zoning Board of Adjustment for  
Variances for a Portion of Lot 52, Map 8 Route 101, Amherst, New Hampshire**

**Applicant:** Arboleda Realty LLC

**Owner:** Richard Bragdon, Trustee of the Richard N. Bragdon Family Trust

**1. How will granting the variance not be contrary to the public interest:**

The applicant proposes to subdivide approximately 11 acres of Lot 57/Map 8 along Route 101 for the proposed development. The applicant proposes to attempt to retain the existing barn and farmhouse, and structurally if architecturally sound adding to the barn and/or replacing the barn and converting it to a liquor distillery with a tasting room and an events center, and converting the farmhouse to office space. The applicant also proposes to construct a country inn adjacent thereto having up to 24 rooms with a spa and restaurant with bar (both of which will be open to the public) and a small retail area. The proposed cluster of uses is not dissimilar to similar clusters along Route 101 and is proposed in a manner which does not alter the character of the neighborhood nor threaten the health, safety or welfare of the public.

**2. Is the variance consistent with the spirit of the Ordinance?**

Granting the variances as proposed with a collection of uses as presented allows a reasonable use of an upscale model of the types of existing welcoming uses which are compatible with other uses along Route 101 in this area. The proposed uses as presented in plan accompanying the application create a village center concept, will not alter the character of the neighborhood and will not adversely affect the health, safety or welfare of the public.

**3. Will substantial justice be done?**

Farming of this site and other permitted rural uses are not reasonable and requiring such use imposes significant harm to the owner. Uses permitted by special exception, including other commercial use, are not compatible with the area. Granting the variances will not harm the public and denying the variances will carry significant harm to the owner while providing no benefit to the public.

**4. Will the value of surrounding properties be diminished?**

Because of the location and siting and the topography of the land, the proposed uses as shown on the submitted plans will have no impact on the values of surrounding properties.

**5. Unnecessary hardship.**

- (A) This lower portion of the property consisting of approximately 11 acres having frontage along Route 101 has unique and special conditions due to its location and nature and the topography of the property as well as extensive wetlands, it being a developed portion of the former farm located along the main entryway to the town which is one of the busiest roadways in town. There is no fair and substantial relationship between the purpose of recognizing the rural character of the zone and the neighborhood and the application of the ordinance permitting only residential, agricultural or restricted uses related to agriculture by right and prohibiting this unique type of commercial use on this parcel where this portion of the property is significantly different than other areas along Route 101 and has limited suitability for farming and its associated uses such as farm stand. The proposed uses which convert and yet maintain an existing barn and the existing farmhouse are reasonable and the proposed addition of a country inn with accompanying spa and restaurant and bar are reasonable and appropriate for the area. Requiring this collection of uses to be placed in a commercial zone or an industrial zone would both defeat the purposes of the ordinance of having appropriate uses in appropriate areas and essentially preclude this use within the town.
- (B) The special conditions of the property being the topography and extensive wetlands along Route 101 plus the need for multiple curb cuts for driveways distinguish it from other properties in the area and the property cannot be reasonably used in strict conformance with the ordinance.

**ABUTTERS LIST**

Town of Amherst  
P.O. Box 960  
Amherst, NH 03031  
Lot 8-54-1

Howling Hill, LLC  
336 Route 101  
Amherst, NH 03031  
Lot 8-51-4

Donna E. Woods  
332 Route 101  
Amherst, NH 03031  
Lot 8-51-2

Joseph G. Mahoney, Trustee  
5 Winterberry Drive  
Amherst, NH 03031  
Lot 8-53-19

Robert S. Carson  
7 Winterberry Drive  
Amherst, NH 03031  
Lot 8-53-18

Jacob Macedo  
9 Winterberry Drive  
Amherst, NH 03031  
Lot 8-53-17

Richard J. Fredette  
3 Winterberry Drive  
Amherst, NH 03031  
Lot 8-5-20

Charles E. Price  
13 Harbourside Drive  
Moultonborough, NH 03254  
Lot 8-53-16

Arboleda Realty, LLC  
100 Chestnut Hill Road  
Amherst, NH 03031  
Lot 8-57

Town of Amherst  
P.O. Box 960  
Amherst, NH 03031  
Lot 8-56

Friends of Young Judea  
22 Priscilla Circle  
Wellesley, MA 02481  
Lot 8-58-A

**Owner:**

Richard Bragdon Trustee  
c/o Betsey Noble  
43 High Street  
Richmond, ME 04357

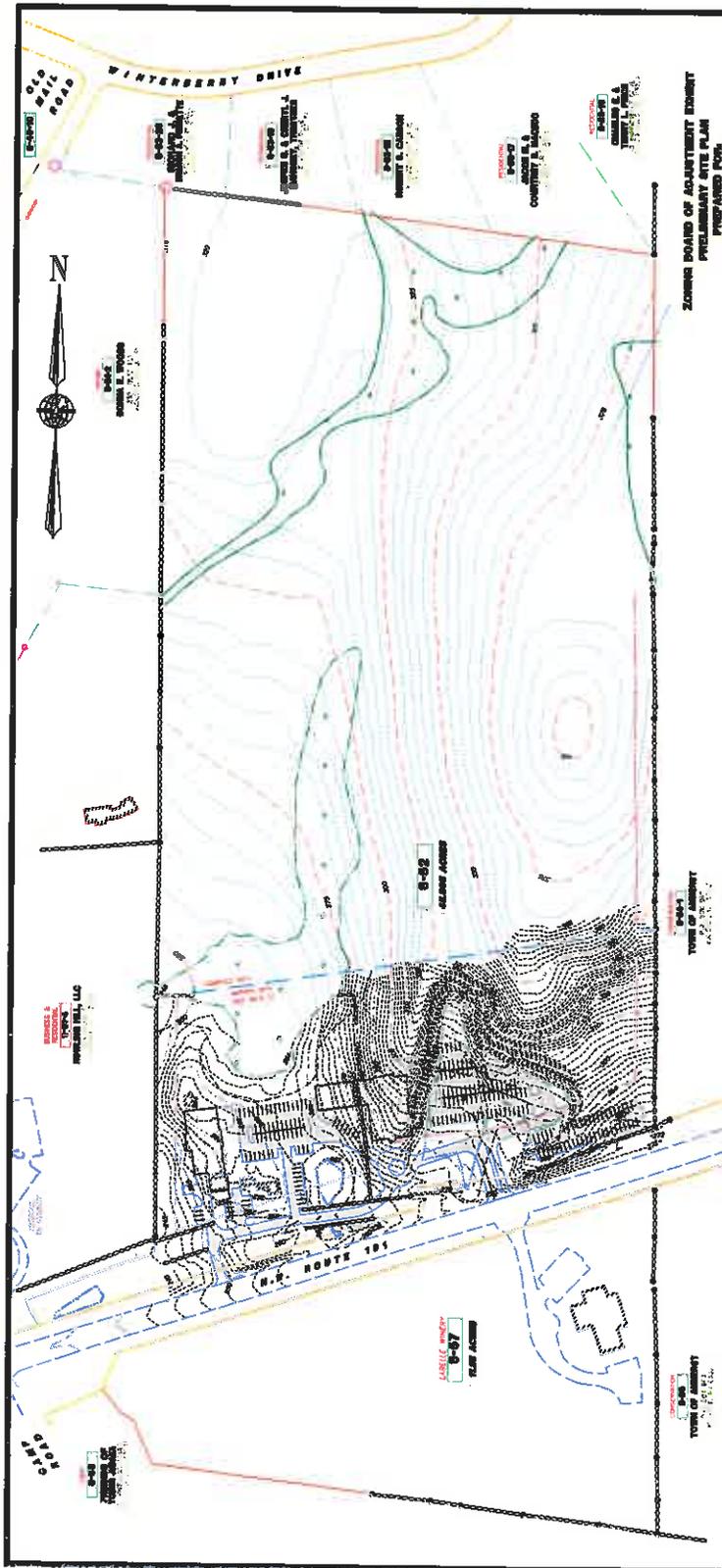
**Applicant:**

Arboleda Realty LLC  
100 Chestnut Hill Road  
Amherst, NH 03031  
Attn: Amy Labelle

**Attorney:**

Morgan A. Hollis, Esquire  
Gottesman & Hollis, PA  
39 East Pearl Street  
Nashua, NH 03060





ZONING BOARD OF ADJURAT COUNTY  
 PRELIMINARY SITE PLAN  
 PREPARED FOR:



LAND OF,  
**THE RICHARD N. BRADGON FAMILY TRUST**  
 TAX MAP 9 LOT 28  
 540 MIL ROUTE 101  
 AMHERST, NEW HAMPSHIRE  
 SCALE: 1" = 50'  
 JULY 14, 2016



**MERIDIAN**  
 LAND SERVICES, INC.  
 ENGINEERING SURVEYING PERMITTING  
 BOLA RETIAR MAPPING GIS DESIGN  
 1000 W. MAIN ST. SUITE 100  
 DUNSTABLE, MASSACHUSETTS 01928  
 TEL: 978-251-1100 FAX: 978-251-1101  
 WWW.MERIDIANLANDSERVICES.COM

PROJECT NO. 16-001 SHEET NO. 1 OF 2

- EXISTING CONDITIONS NOTES:**
1. PURPOSE OF THIS SURVEY IS TO DEFINE THE BOUNDARIES AND TOPOGRAPHY RELATIVE TO THE PROPOSED DEVELOPMENT AND THE EXISTING FUTURE DEVELOPMENT.
  2. THE EXISTING CONDITIONS SURVEY WAS CONDUCTED ON THE DATE OF THE SURVEY AS SHOWN ON THE TITLE SHEET. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE MASSACHUSETTS SURVEYING BOARD. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE MASSACHUSETTS SURVEYING BOARD. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE MASSACHUSETTS SURVEYING BOARD.
  3. THE EXISTING CONDITIONS SURVEY WAS CONDUCTED ON THE DATE OF THE SURVEY AS SHOWN ON THE TITLE SHEET. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE MASSACHUSETTS SURVEYING BOARD. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE MASSACHUSETTS SURVEYING BOARD.
  4. ZONING FOR THE AREA IS (SEE ADJURAT ZONING ORDINANCES). THE ZONING REQUIREMENTS INCLUDE THE FOLLOWING: (SEE ADJURAT ZONING ORDINANCES). THE ZONING REQUIREMENTS INCLUDE THE FOLLOWING: (SEE ADJURAT ZONING ORDINANCES).
  5. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE MASSACHUSETTS SURVEYING BOARD. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE MASSACHUSETTS SURVEYING BOARD. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE MASSACHUSETTS SURVEYING BOARD.
  6. RETAINED SURVEY INFORMATION IS IN ACCORDANCE WITH THE MASSACHUSETTS SURVEYING BOARD. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE MASSACHUSETTS SURVEYING BOARD. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE MASSACHUSETTS SURVEYING BOARD.

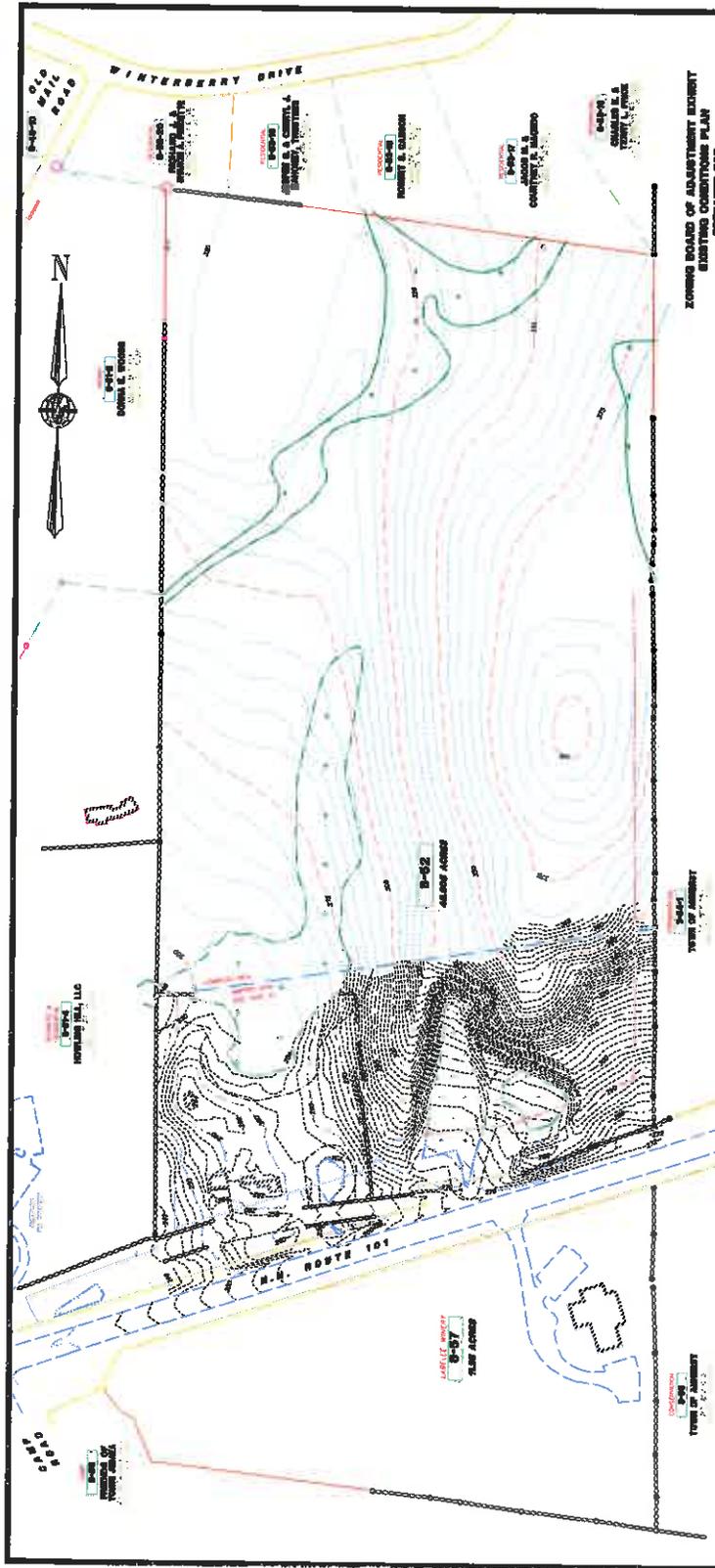
**REFERENCE PLANS:**

- PRELIMINARY SITE PLAN - PREPARED BY MERIDIAN LAND SERVICES, INC. ON 07/14/16.
- TAX MAP 9 LOT 28 - PREPARED BY MERIDIAN LAND SERVICES, INC. ON 07/14/16.
- U.S. ROUTE 101 - PREPARED BY MERIDIAN LAND SERVICES, INC. ON 07/14/16.

**GRAPHIC SCALE**

0	10	20	30	40	50	60	70	80	90	100
0	10	20	30	40	50	60	70	80	90	100
0	10	20	30	40	50	60	70	80	90	100
0	10	20	30	40	50	60	70	80	90	100
0	10	20	30	40	50	60	70	80	90	100





ZONING BOARD OF ADJUSTMENT EIGHTH  
 SUBMITTING CONDITIONS PLAN  
 PREPARED FOR



LAND OF:  
**THE RICHARD N. BRADGON FAMILY TRUST**  
 TAX MAP 8 LOT 82  
 840 N.H. ROUTE 101  
 AMHERST, NEW HAMPSHIRE  
 JULY 14, 2016  
 SCALE: 1" = 50'



**MERIDIAN**  
 LAND SERVICES, INC.  
 ENGINEERING | SURVEYING | PLANNING  
 101 LA WETLAND MAPPIING ISPECTIC DESIGN  
 101 LA WETLAND MAPPIING ISPECTIC DESIGN  
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 101 LA WETLAND MAPPIING ISPECTIC DESIGN

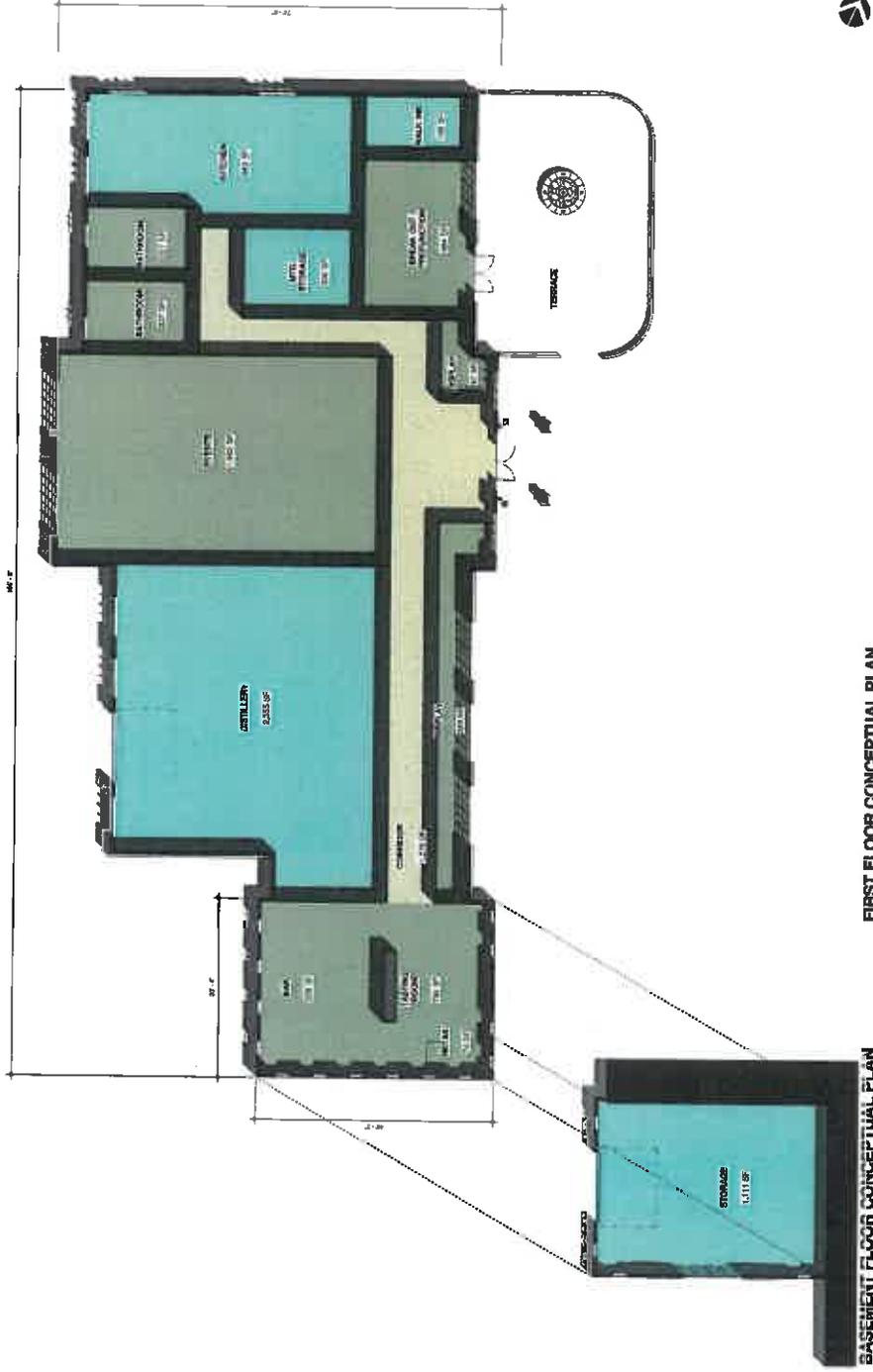
PROJECT NO. 16-001 SHEET NO. 1 OF 1

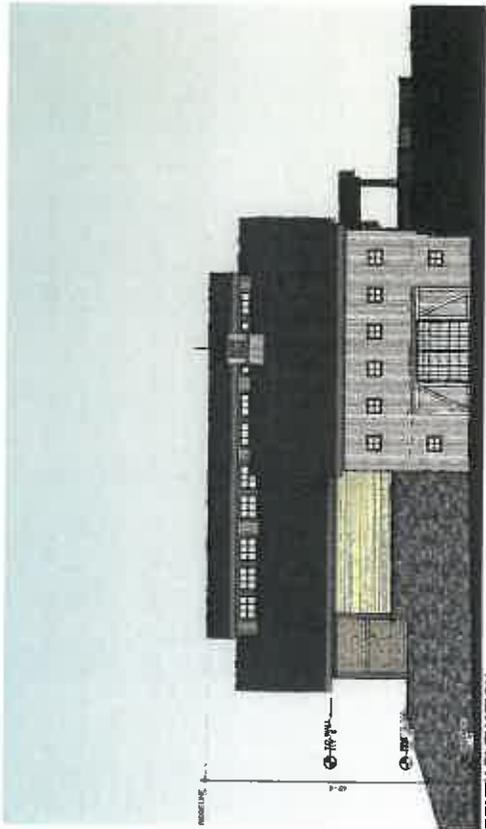
- EXISTING CONDITIONS NOTED:
1. PORTIONS OF THIS SHEET IS TO SHOW THE PARCEL BOUNDARY AND THROUGHOUT RELATIVE TO ADJACENT PARCELS.
  2. THE PARCEL BOUNDARY IS BASED ON THE MAP 8 LOT 82 BY RICHARD N. BRADGON & BETTY ANNE BRADGON, DATED 12/15/07, AS SHOWN ON THE MAP 8 LOT 82, DATED 12/15/07, OF THE PUBLIC RECORDS OF THE STATE OF NEW HAMPSHIRE, REC. BOOK 1008 PAGE 108 DATED 12/15/07.
  3. THIS EXHIBIT IS PREPARED FOR LABELLE WOODS, 445 ROUTE 101, AMHERST, NH.
  4. ZONING FOR THE PARCEL IS (R)2 RESIDENTIAL TRANSITIONAL ZONE. REQUIREMENTS INCLUDE 3.0 ACRES MINIMUM, 100' MINIMUM FRONT YARD SETBACK, 10' MINIMUM SIDE YARD SETBACK, 10' MINIMUM REAR YARD SETBACK AND 10' MINIMUM FRONT SETBACK. THE MINIMUM FRONT YARD SETBACK SHALL BE 10' MINIMUM.
  5. THE PARCEL IS LOCATED WITHIN THE 100' ZONE. THE 100' ZONE IS NOT AN ON-SITE ZONING PERMITTED BY THE ZONING BOARD. THE 100' ZONE IS NOT AN ON-SITE ZONING PERMITTED BY THE ZONING BOARD.
  6. SETBACKS WERE DETERMINED IN ACCORDANCE TO THE AMT CODES OF AMHERST WETLAND REGULATIONS, TECHNICAL REPORT 16-001, BY SHEET 2 THE DATE OF THIS OFFICE ON 07/14/2016.

APPROVED PLAN:  
 - EXHIBIT PLAN OF LAND - PREPARED FOR - RICHARD N. BRADGON -  
 BY J. J. ANNE, INC. AND APPROVED BY THE ZONING BOARD ON 07/14/2016.

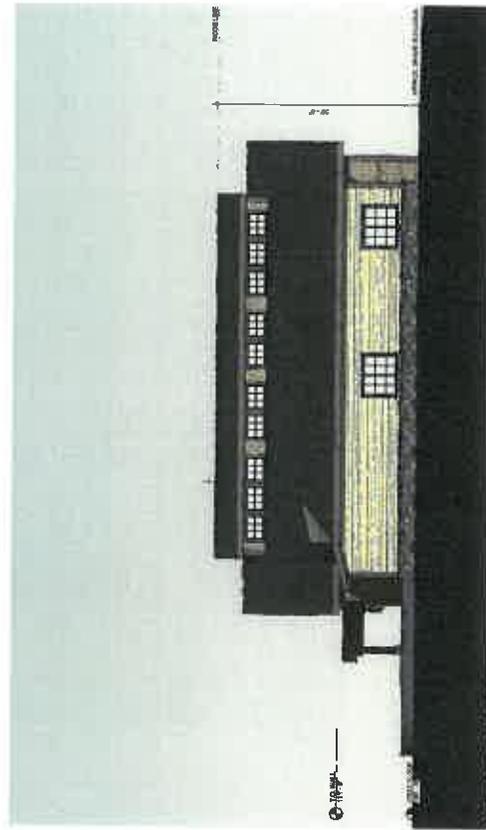
GRAPHIC SCALE

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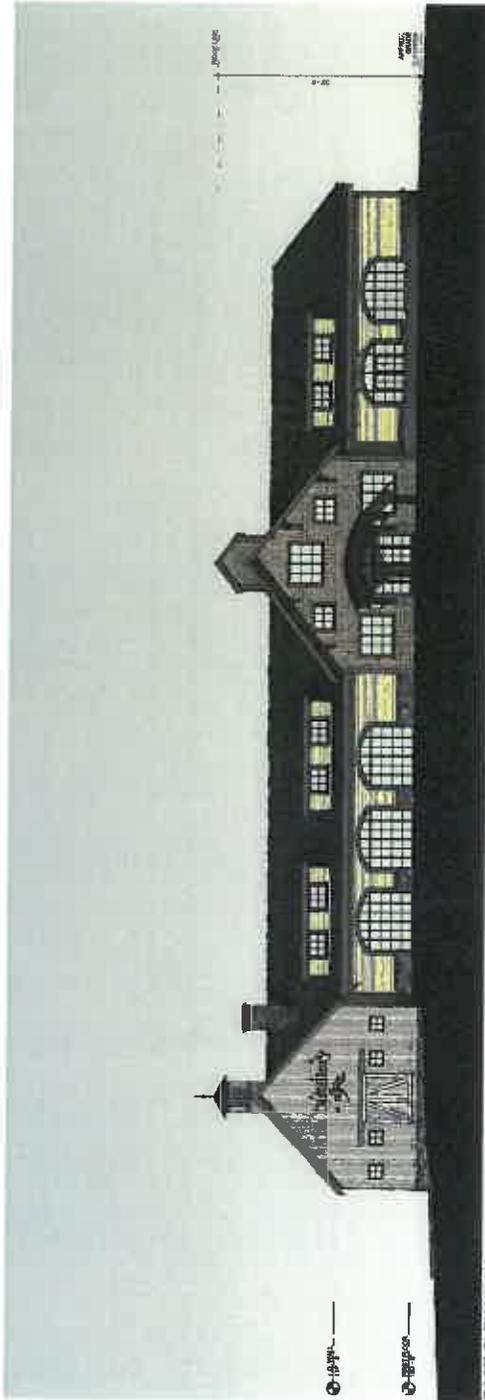




**SOUTH ELEVATION**



**NORTH ELEVATION**



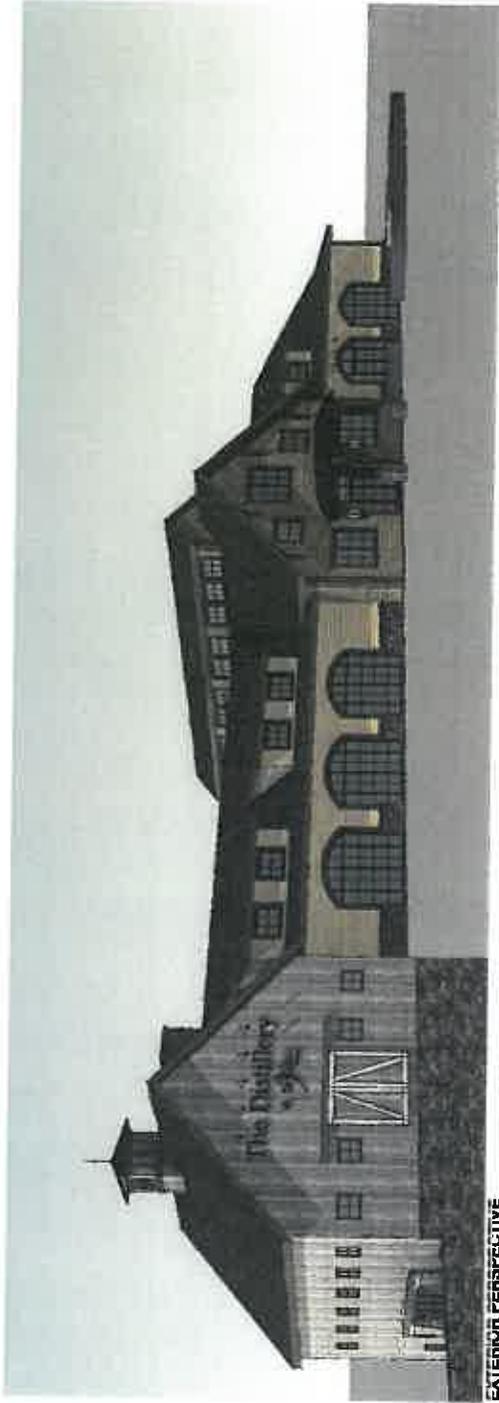
**EAST ELEVATION**

- MATERIALS LEGEND:**
- ▶ SAWN BOARD SIDING
  - ▶ WOOD SHAKE SIDING
  - ▶ WOOD TRIM - PAINTED
  - ▶ WOOD TRIM - UNPAINTED
  - ▶ CLAY TILE ROOF - PAINTED
  - ▶ METAL ROOF
  - ▶ STONE
  - ▶ ASPHALT SHINGLE ROOFING

<p><b>BMA Architectural Group, P.C.</b> 200 HUNTERS LANE, SUITE 100 AMHERST, MA 01002</p>	<p><b>THE DISTILLERY AT LABELLE WINERY</b> 240 HUNTERS LANE, SUITE 100 AMHERST, MA 01002</p>	<p>40' - 5 1/2" CONSTRUCTION</p>		<p>1/2" = 1'-0"</p>
				<p>1/4" = 1'-0"</p>



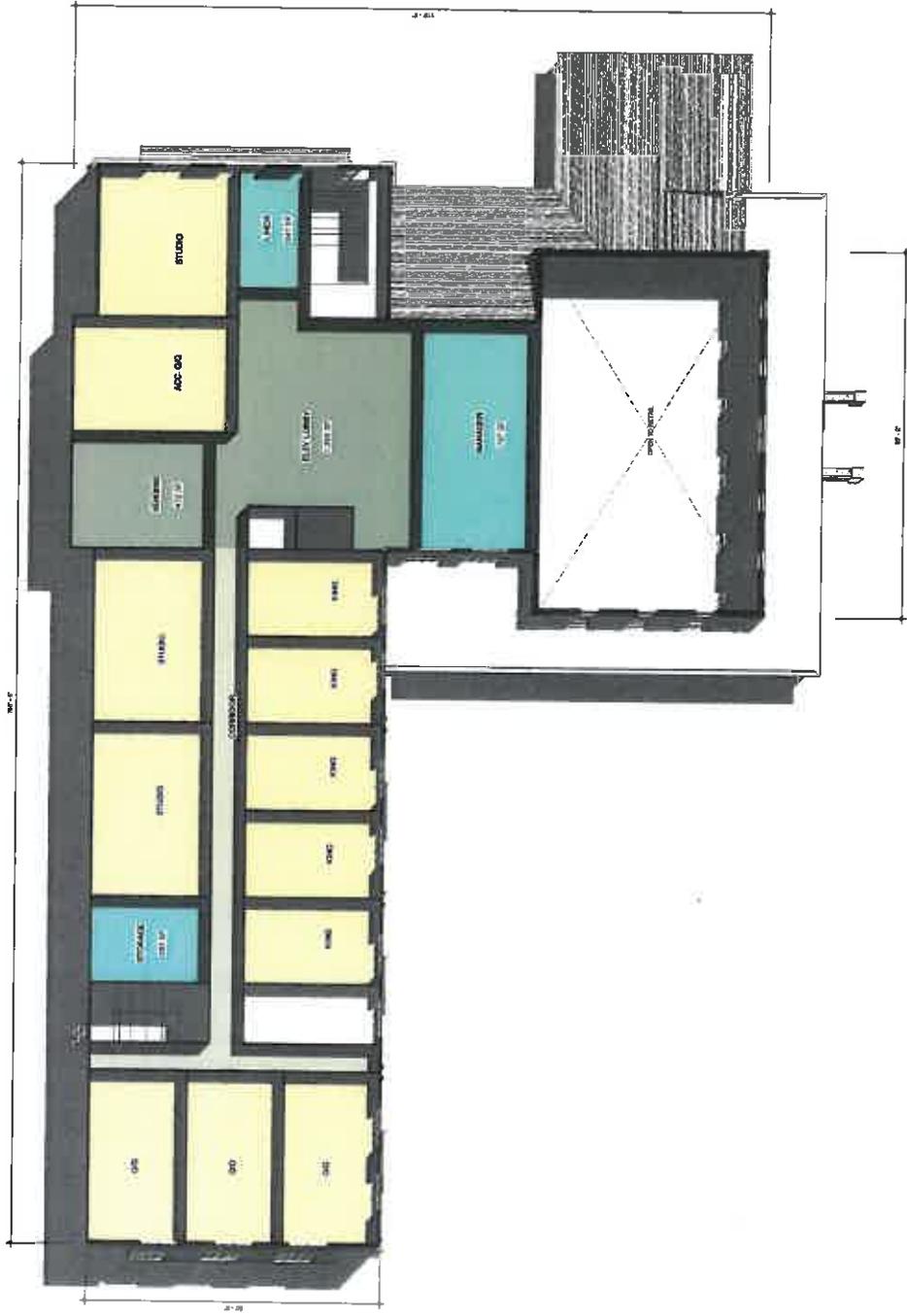
EXTERIOR PERSPECTIVE



EXTERIOR PERSPECTIVE

 <b>BMA</b> Architectural Group, P.C. <small>1000 W. 10th Street, Suite 1000, Oklahoma City, Oklahoma 73106</small>	<b>AMY LABELLE &amp; CESAR ARBOLEDA</b> <small>204 NORTH UNIVERSITY AVENUE          OKLAHOMA CITY, OKLAHOMA 73102</small>	 <b>THE DISTILLERY AT LABELLE WINERY</b> <small>200 WEST 10TH AVENUE, OKLAHOMA CITY, OKLAHOMA</small>	1:1/2" = 1'-0" CONSTRUCTION	EXTERIOR PERSPECTIVE A-202
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- ROOM LEGEND**
- BACK OF HOUSE
  - CIRCULATION
  - GUESTROOM
  - PUBLIC

NET SQUARE FOOTAGE SUMMARY - 2ND FLOOR	
Department	Area
BACK OF HOUSE	1,100 SF
CIRCULATION	1,100 SF
GUESTROOM	1,100 SF
PUBLIC	1,100 SF
<b>TOTAL</b>	<b>4,400 SF</b>

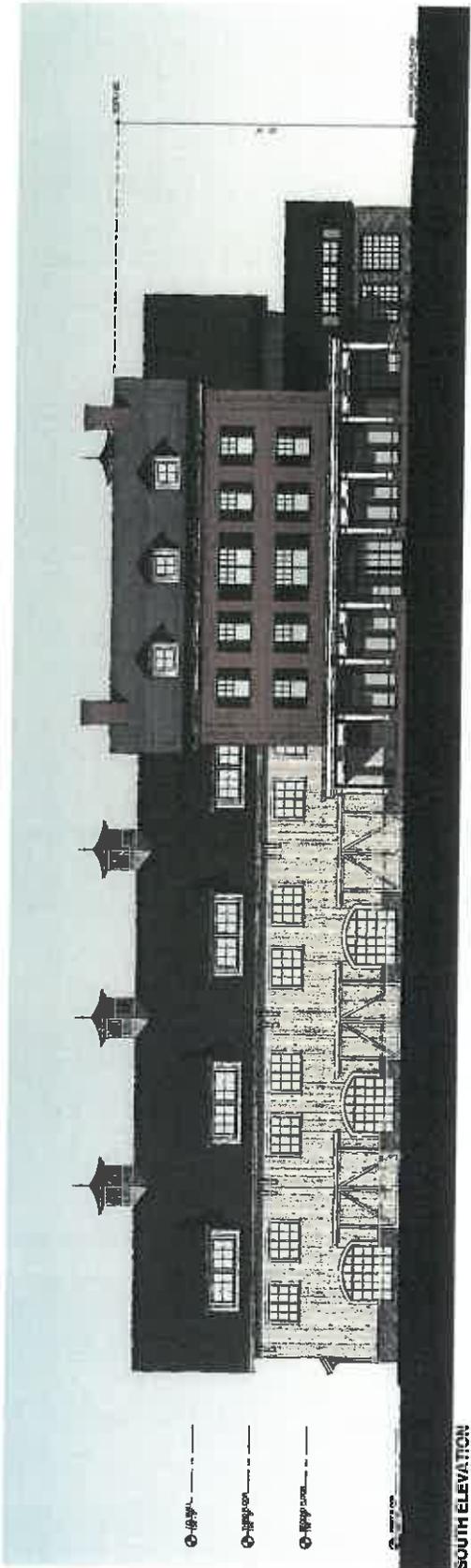
  

NET SQUARE FOOTAGE SUMMARY - BUILDING	
Department	Area
BACK OF HOUSE	1,100 SF
CIRCULATION	1,100 SF
GUESTROOM	1,100 SF
PUBLIC	1,100 SF
<b>TOTAL</b>	<b>4,400 SF</b>

**SECOND FLOOR CONCEPTUAL PLAN**

<p><b>BMA Architectural Group, P.C.</b> ARCHITECTS</p>	<p><b>AMY LABELLE &amp; CESAR ARBOLEDA</b> ARCHITECTS</p>	<p><b>THE INN AT LABELLE WINERY</b> 540 ROUTE 101, AMHERST, MA 01001</p>	<p><b>SECOND FLOOR PLAN</b> AS102</p>
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SOUTH ELEVATION

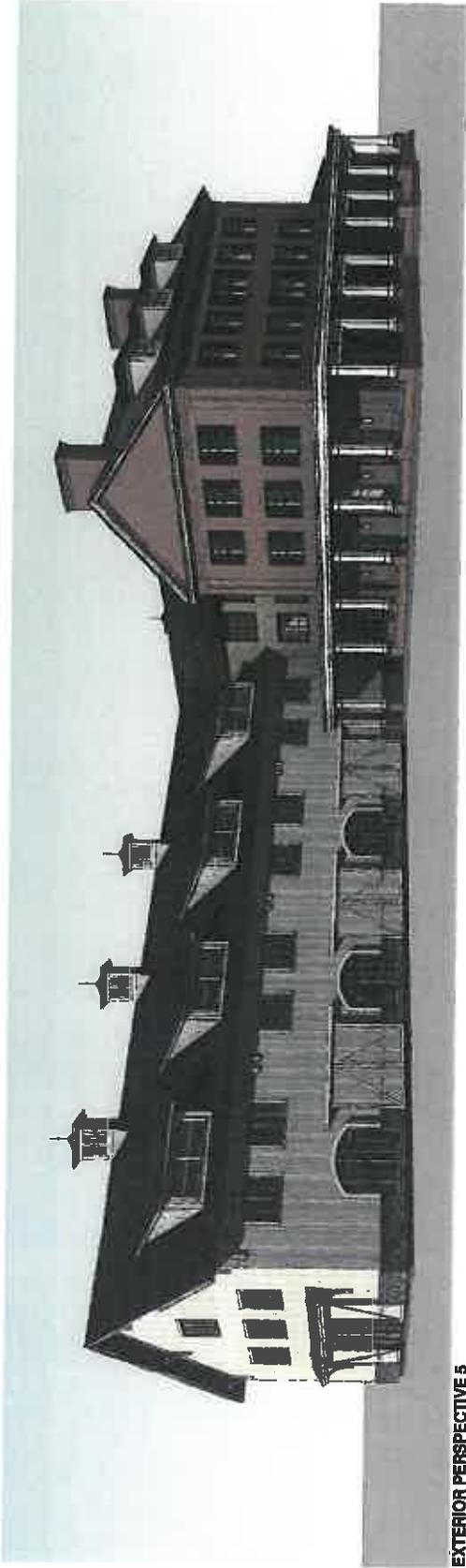


EAST ELEVATION

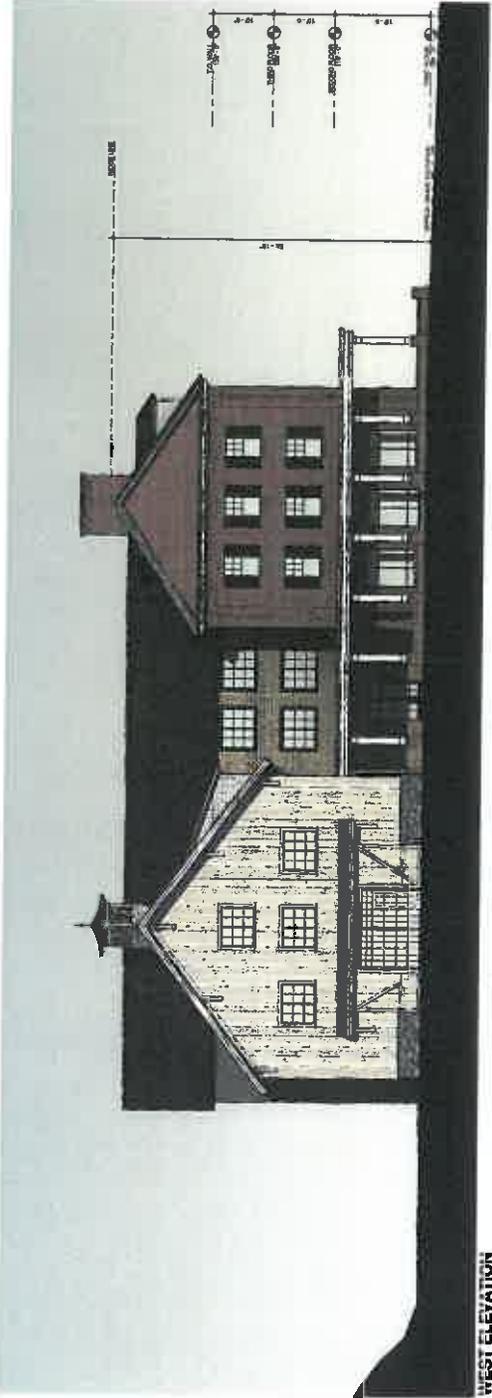
**MATERIALS LEGEND:**

	MANHATTAN BRICK
	WOOD SHAKE SIDING
	WOOD SHAKE SIDING - WHITE
	WOOD SHAK - PAINTED
	MOULDED BRICK
	PRECAST
	QUARTZ WATER TABLE
	STONE
	METAL ROOF
	APPLY TO SHINGLE ROOFING

<b>BMA</b> Architectural Group, P.C. <small>ARCHITECTS</small>	<b>AMY LABELLE &amp; CÉSAR ARBOLEDA</b> <small>ARCHITECTS</small> <small>348 PRINCE ST., AMHERST, NY 14201</small>	<b>IVAN TOP CONSTRUCTION</b>	<b>EXTENSION ILLUSTRATION</b> <small>1/8" = 1'-0"</small>	<b>A-201</b>
	<small>© 2011 Amy Labelle &amp; Cesar Arboleda Architects. All rights reserved. This drawing is the property of Amy Labelle &amp; Cesar Arboleda Architects and is not to be reproduced without their written consent.</small>			

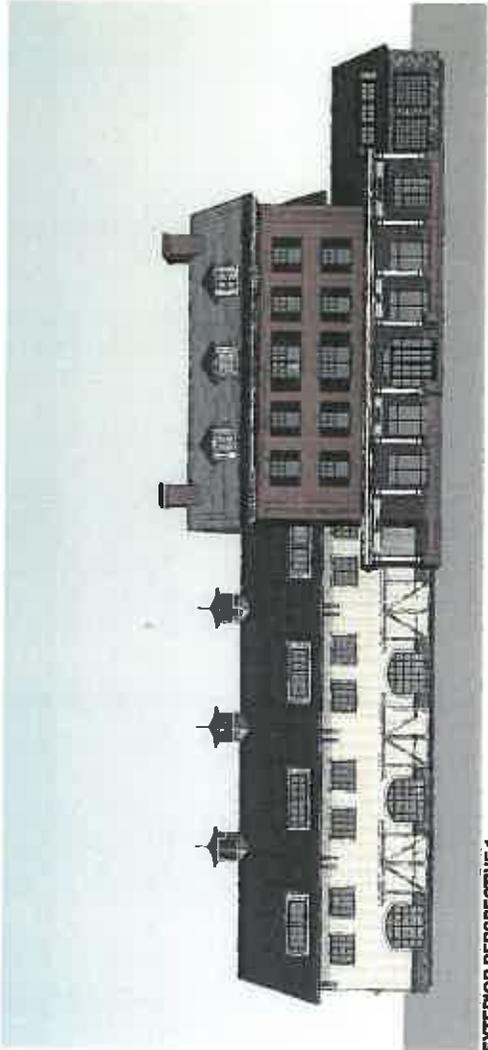


EXTERIOR PERSPECTIVE 5



WEST ELEVATION

 <b>BMA</b> Architectural Group, P.C. <small>310 ROUTE 101, LAUREL, MD 20631</small>	<b>AMY LABELLE &amp; CESAR ARBOLEDA</b> <small>310 ROUTE 101, LAUREL, MD 20631</small>	 <b>THE INN AT LABELLE WINERY</b> <small>310 ROUTE 101, LAUREL, MD 20631</small>	<small>PLANS FOR CONSTRUCTION, 2014</small>	<b>WEST ELEVATION + ELEVATION</b> <small>A-202</small>
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EXTERIOR PERSPECTIVE 1



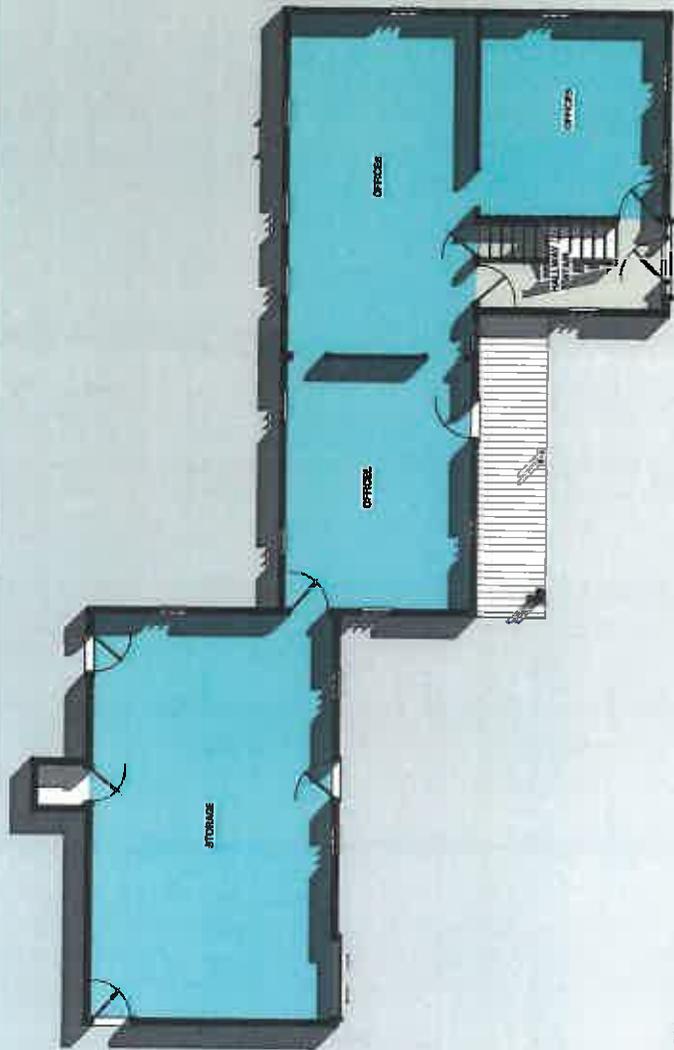
EXTERIOR PERSPECTIVE 2



EXTERIOR PERSPECTIVE 3



EXTERIOR PERSPECTIVE 4



**PROPOSED FIRST FLOOR PLAN**

**ROOM LEGEND**  
 ■ BACK OF HOUSE  
 ■ CIRCULATION



**PROPOSED FRONT ELEVATION**

- 10'-0" W.C.
- 8'-0" W.C.
- 6'-0" W.C.

**MATERIALS LEGEND:**  
 ■ BRICK (SIDE WALLS)  
 ■ CLAY TILE (ROOF)  
 ■ WOOD TRIM - PAINTED  
 ■ ASPHALT SHINGLE ROOFING  
 ■ GRANITE FOUNDATION

**BMA Architectural Group, P.C.**

**AMY LABELLE & CESAR ARBOLEDA**  
 240 ROUTE 101, ANNAPOLIS, MD 21401

**LABELLE ADMIN OFFICES**  
 240 ROUTE 101, ANNAPOLIS, MD 21401

**PROPOSED PLAN & ELEVATION**  
 A5-101