

Town of Amherst
Zoning Board of Adjustment
Tuesday August 16, 2016
Souhegan High School

ATTENDEES: ZBA Members: R. Rowe, C. Vars, R. Panasiti (Alt), J. Ramsay, S. Giarrusso (Alt), K. Shea and D. Kirkwood- Chair

Staff: Deb Butcher, Scott Tenney

D. Kirkwood called the meeting to order at 7:02pm, explained the ZBA process and introduced the board members

Old Business:

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

Attorney Prunier spoke on behalf of the applicant. He said the applicant applied to the planning board to have the case heard by them. They also spoke to Attorney Drescher and they would like the matter tabled to the October ZBA meeting.

R. Rowe moved and J. Ramsay seconded to go into deliberations. Vote: Unanimous

R. Rowe moved to table the request for a rehearing of case # PZ7330-041216 to the regular ZBA meeting in October by request of the applicant. J. Ramsay seconded. Vote: Unanimous

R. Rowe moved and C. Vars seconded to come out of deliberations. Vote: Unanimous

New Business:

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.

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.

Attorney Morgan Hollis was present representing both the owner (Bragdon Family Trust) and the applicant (Arboleda Realty dba: LaBelle Winery). He described other parties and consultants present who may speak on behalf of the applicant as follows:

Nancy Keirstead- representing the owners of the parcel

Amy LaBelle and Cesar Arboleda- owners of the winery and potential buyers of the parcel

Kevin Anderson Meridian Land Services- project engineer

Rolf Biggers BMA Architectural Group- project architect

Tim Stone from StoneHill Environmental - hydrological study

Rob Woodland of Woodland Design Group – traffic study

Dr. George Bower – Ezra Consulting – odor analysis

These consultants have submitted reports on the potential impacts of the proposed uses along with reports on noise and value impacts.

When the applicants submitted the application, questions immediately came up from abutters so these reports were done and submitted. This proposal is a big and important issue and the applicant wants to treat it appropriately.

The applicant identified each issue that the abutters raised and hired consultants to do the analysis on impact. These are independent consultants. All reports were admitted into the public record as documents for the hearing.

D. Kirkwood explained to the public that the ZBA received a number of letters, too numerous to discuss tonight, but they are part of the public record and are available at the office for public view.

Attorney Hollis stated the applicant is seeking two variances. The matter of use is the important one to most people but they are also looking for one regarding height. They don't necessarily need it, but it is integral to the design of the inn which is integral to meeting the requirements of the variance and the ordinance. He will present the cases as one case so he doesn't have to do it twice. The board will keep the issues separate when they vote in deliberations.

The plan for the presentation: the civil engineer will explain the property, the layout and the proposed plan. The owner will give some historical information and explain why they are asking for a variance. BMA architects will present the architectural design of the project. The applicant will address the details of the project plans and attorney Hollis will address the five points of law.

Attorney Hollis summarized what tests the ZBA needs to apply to the application. This is a 45-acre parcel– the last quadrant of the Bragdon Farm that is remaining today. They will be mostly addressing the front 11 acres with frontage along Rte. 101. If granted, the 11 acres will be subdivided out from the whole parcel.

Kevin Anderson of Meridian Land Services- civil engineer of record on this project spoke about the site as it is now. The address is 340 NH Rte. 101. It has 45.805 acres and 1,342 feet of frontage. There is an existing house, barn and outbuildings (unoccupied) on the site.

The Farm was 183 acres which covered four parcels. The owners conserved 125 acres on the Bedford/Amherst line. One parcel is where the winery is and the last parcel the owners have retained is the one we are discussing today.

Notable features within the parcel include a former barrow pit for the construction of Rte. 101. It was over-excavated and is now a wetland.

Five different developers have approached the owners about this parcel. They've all looked into having commercial use in the front of the parcel and residential use in the back. Meridian has looked into this land for several different clients and has come up with many different project plans for them.

The front 11 acres have been surveyed. State agencies have seen this plan since Rte. 101 is a state road and they have a say in the access to and from the property. NH DOT suggested lining up the entrance across from the winery entrance. There is a secondary emergency access on the west end of the parcel. The NH DES Wetlands bureau understands what DOT recommends and why. The plan is to work with the land the way it is as much as possible and to use the existing buildings as much as possible. They have put a lot of detail into these preliminary plans. They have addressed parking, grading and storm water. This normally isn't done until the planning board meeting.

Nancy Keirstead, representing The Richard N Bragdon Trust, owns the property that is the subject of the application. Her sisters were present as well. She spoke about the property as follows:

This is the last parcel left of the original farm. The farmhouse is adjacent to the sledding hill parking area. Historically, the property was farmed. This is the house where she grew up. The barn was used for

hay storage and livestock. Her grandfather stopped farming and sold some of the land and donated some of the land to the town. The winery parcel and this parcel were put on the market about seven years ago. The winery parcel was difficult to sell because of the topography, limited access and smaller size. Thankfully, Amy purchased it and it has worked out very well.

The property in question has issues as well. It is zoned for residential, but you wouldn't really want to live there due to the traffic and turning onto Rte. 101.

There's 44 acres in Amherst and there's plenty of room in the back but she has learned that because of the steep slopes, wetland crossings and the restrictions to development in the front part of the parcel, putting houses in the back is going to be challenging and would result in major changes to the landscape which would impact direct abutters. She didn't expect this parcel to be on the market this long.

They have had interested prospective buyers for residential and commercial uses including a veterinary clinic and professional offices. They have heard the same feedback each time: The cost of the use of the front part is expensive and limited. No one wants to live right on Rte. 101 in a house. And the cost to get to the back is expensive and would require extensive earth work and tree removal. To justify the extensive work on either end of the parcel, a dense project is required. This means a lot of development. Each time a buyer was close, the zoning restrictions drove the price down.

The purposes of the zoning restrictions are admirable for the town and it's nice to say you want the entrance of the town to be rural and scenic, but for her family, this land was an investment to bring money to the family after years of farming. This zoning ordinance is in place partially because of her family's gift of conservation land to the area. Now the purposes of the zoning ordinance are resulting in a devaluation of their land.

This property is different than any other in the area. The sledding hill could have been developed, but was preserved thanks to her family. The farmland next door could have been developed much more easily, but that's preserved. The LaBelle Winery parcel could have had several homes on it, but it has open space, vineyards, vegetable gardens and a beautiful winery structure. She has heard from developers over the years that this parcel is unique and deserves relief from zoning restrictions. Old Manchester Rd is on the site as well as old stone walls, an old gravel pit which is now wetlands, the steepest slopes of all the parcels and the most wetlands. The best developable area is at the top, which, if developed, would be highly visible and exposed. After putting in the necessary infrastructure for housing, it would not be scenic and rural, although permitted.

Amy and Cesar have come up with a way to pay the owners what they need by clustering uses in an area where there is already an existing home and barn and in an area where there will be the least impact to the surrounding properties. Their idea maintains the spirit and intent of the northern transitional zone keeping out standard, big box professionals or a strip of plain Jane development. Their plan preserves the landscape and maintains an attractive gateway to Amherst.

It is up to the board to decide if the use is reasonable and doesn't cause harm to the town. We ask you to consider it as a relief they need for their property without there being a restriction prohibiting a reasonable use.

She read an email from her sister, Betsy Noble, who is a co-trustee. (Summarized) The letter expressed emotional and financial hardship.

If the family doesn't get relief, they will need to do something to continue to pay the taxes. They will consider more extensive logging to pay for the taxes and insurance. That's just the reality they are in.

Next, the architect, Rolf Biggers- Principal architect with BMA Professional Corporation in Amherst, came forward to speak about the design. Their company specializes in contextual historical architecture and especially in hospitality design.

This area is the gateway to Amherst. It's rural and scenic and that needs to be maintained. They've come up with a solution that does that. This is not an undeveloped site. There are buildings on it: a farmhouse and several out-buildings in various degrees of condition. The property has character: a barrow pit that has to be worked around and Old Manchester Rd runs through there. They want to preserve the buildings- the farmhouse and the old barn.

He is a local firm and wants to keep the property in its original character. He doesn't want a developer to come in and change the property into something that is not representative of the gateway to Amherst. They've come up with a village setting: a grouping of buildings like you would see in historic architecture. The old farmhouse would be renovated for the corporate offices but stay where it is. The barn would become the distillery. Behind it would be the function center for cooking classes and events. There will be an inn and restaurant. This is the largest building so they've broken it up by using traditional brick veneer with what looks like an attached barn. So the architecture is historically accurate.

Amherst has a history of inns and hotels and taverns. They are trying to maintain the scale and character of many other buildings in Amherst. He gave a few examples of buildings in town that this will be similar to. They will make it look like an old barn that has been renovated.

R. Panasiti asked for the current height of the existing barn. The applicant representatives started looking into that detail.

The inn is a three story building. They don't need the height variance- they want it for a sense of scale and aesthetic. He could cut the roof off the plans and have a flat-roofed inn, but he's trying to create a certain look and the inn would look better with the gable roof. If an outside developer came in, their building would probably have a flat roof because that maximizes the use.

The proposed height of the peak of the roof is 52.5 feet. The plan is to cluster the buildings at the bottom of the slope. They are creating a skating pond to involve the public. Maybe they can also fix some of the issues that are there: the sledding hill needs more parking and better access.

They came before the Planning Board about six months ago to look at that whole area from the sledding hill to the kennel to the abutters to find out what the issues are and start to figure out a solution for what works in that location. After they got a consensus of what should happen there, that gave them the ideas for what they need for variances to make it happen. This plan has been studied, reviewed, and already revised from its original plan which included a brewery and larger restaurant.

The goal is to break up the parking like it is at the winery so it is not noticeable from the road. They will redevelop old Manchester Rd. and connect it through to the kennel and fix the stone walls along it and encourage people to park parallel to road ways, but not on Rte. 101. They want to continue having overflow parking to and from the sledding hill and the winery for both uses. They are looking beyond the boundaries of the site for the best solutions for the whole area.

People want to be able to live and work and play here and not go to Nashua or Manchester for every single thing. We need to be careful with how that occurs. There was a study done that showed a need for local gathering places. The winery starts to do that and this can build on that.

They want to develop the bottom quarter of this property sensibly so it works with the character of Amherst.

A video model of this section of Rte. 101 was shown with their plans in model form. Some trees will come down for grading, but major trees will be identified and parking will work around it. When people drive by they won't get a commercial feeling. The kind of look and feel they are creating will be similar to the Lawrence Barn in Hollis and the Wilton Police station which are two projects they worked on.

Amy LaBelle addressed the board as follows:

Thank you for your time in addressing this zoning board application. My name is Amy LaBelle, and I am the owner of, and winemaker at, LaBelle Winery, along with my husband, Cesar Arboleda. We are proud of the work we have done to build LaBelle Winery from what was a homegrown business into what is now one of the most successful wineries in New England and one of the top 3 family businesses in New Hampshire for the past three years. We are thrilled to be able to grow our family business right here in Amherst, our home town, where we reside, work and raise our two boys, who attend the Wilkins School. We are engaged with our community, having supported over 75 charitable organizations so far in 2016. And, our entire employee community joins us in saving money all year long for our now annual donation to the Wilkins School Lunch Program to feed our families in need. We love being involved in our community in this way.

To be successful, a business owner must listen to her business. And my business is telling me to grow. We hope for the opportunity to do so right here in our hometown.

A few letters of opposition have asked "How will this benefit Amherst"? Here's how:

Taxes. It will benefit Amherst by adding substantial corporate taxes to help the taxpayers of Amherst by lessening the tax burden and diversifying Amherst's tax base

Jobs. It will provide much-needed jobs — up to 100 new jobs — that are good paying, benefits laden jobs that will attract and retain the best and brightest to Amherst for work.

Dining and Cultural Options in Town. The project will provide additional dining and cultural options in Town to attract and retain our young families and also provide much needed gathering spaces for community activities. Our proposed project is in line with some goals of the Amherst Master Plan such as providing community gathering spaces.

Preservation. We hope to retain the two historical structures on the property to preserve Amherst's history, and we are working to conserve a substantial portion of the acreage for open land, while connecting to the already awesome Amherst Conservation Commission Trail system.

We propose an Inn with retail space in the lobby to showcase NH MADE products and other artisan goods, a comfortable restaurant/tavern, a health-focused spa within the Inn, office space, event space, additional vineyard and gardens, and a distillery and distillery tasting room. In the distillery, we plan to produce artisan bourbon, whiskey, vodka, eau de vie, brandies and other traditional spirits. Much like LaBelle Winery, this distillery would use local produce whenever possible, supporting our local farms. And since there have been some questions as to process, I wanted to explain that distilled products are made from what is basically wine, so we'll be fermenting various grains, fruits, or vegetables in the new space into a "wine" and then running that fermented product through the still to create a spirit.

The Inn we envision will be upscale and cozy, providing world class service and attention to detail.

The event space will be home to not only celebrations of all kinds, but a culinary program offering classes in bread baking, jam making, and other culinary delights, along with community programs related to the arts. We want to provide a space that offers education, excellent products, and inspiration.

Thank you for your time.

241 She took questions from the board members.
242 K. Shea asked Amy to talk about the forum she held at her winery for the abutters.
243 Because there is a petition of opposition to this project, but they hadn't received any specific questions,
244 Amy reached out to the community to come to the winery for a meeting to explain the project and
245 answer questions. About 15 people were there. Much of what was presented tonight was presented
246 there and the community asked questions and those questions were answered.
247
248 R. Rowe asked her to provide details on the conservation easement they indicated.
249 Amy said they are looking to preserve a section of the land as a buffer between the facilities and the
250 neighborhoods. Attorney Hollis will talk more about those details.
251
252 Attorney Hollis said at the public meeting with the residents there was concern about developing to the
253 rear of the property. The applicants are proposing to reserve an area of 10 acres on the property for
254 potential future residential use. The remaining 25 acres at the back and west would be non-buildable
255 conservation land that most closely abuts the homes. The applicant is offering this as a condition for
256 approval of the variances. He further clarified with the board that because this is one parcel right now, it
257 would be a covenant and condition of approval. The best development area on the property is in the
258 rear, but that is the area that is least desirable for the neighbors to have developed so they came up
259 with this solution.
260
261 Attorney Hollis covered the five points of law as follows:
262 Public interest and spirit of the ordinance:
263 He addressed the first two tests as one saying they have to prove they will not materially alter the
264 character of the neighborhood or be a threat to health, safety or welfare.
265 The cluster will be on the front part of the property. That preserves the key goals of the zone. That
266 keeps the area closest to the road in a development which is specific. A residential use would include a
267 lot of cutting, multiple curb cuts and you would have no controls. With this use, you have to approve the
268 plan that's in front of you then the Planning board has to approve it as well. If either board wants
269 changes to be made to the plan, they have that control. That is a far greater control than a normal
270 approved development.
271 The use is not permitted. Uses not permitted are allowable by variance as long as it doesn't alter the
272 character of the neighborhood and doesn't affect health, safety or welfare. The neighborhood includes
273 residential to the rear, commercial across the street, conservation land to the north, kennel to the
274 south, Camp Young Judea across the road to the east. The use won't alter the character of LaBelle or the
275 kennel- they are similar uses. It won't alter the conservation land or sledding hill- they are proposing to
276 add conservation land. It won't be visible until you are beyond the sledding hill. It won't alter the
277 character of the residential area. The boundary line from the 11-acre parcel to the boundary line at
278 Winterberry is 800 feet. It won't be seen near the residences. There will be 25 acres of preserved land
279 between the facilities and the neighborhood. The impact is on Rte. 101. The focus will be on the area
280 which has already been developed. This area has multiple uses. This proposal will not alter the character
281 of the mixed-use area.
282 Putting residences along Rte. 101, which is what is permitted, would alter the character. They have
283 looked at it with Meridian and they could get eight homes along the frontage. There would be three
284 driveways. There could be a few back lots too for a total of 11 homes in that area. If you did that you
285 would have to restructure the whole site and that would alter the character.
286 The ordinance talks about residential and clusters and we are doing that. We are offering to restrict land
287 to conservation and to restrict the ten-acres to residential use only.

288 Regarding public health, safety and welfare: You have a series of reports in front of you including a
289 hydrology assessment by StoneHill consultants. He analyzed the use of the water that would be required
290 by this development as well as bedrock and the existing wells. The development will not result in harm
291 to health, safety and welfare. The report gave five recommendations and he will give those as conditions
292 of approval if the board wishes to do so.

293 Regarding odor: George Bower of Ezra analyzed the operations of the proposed uses and determined
294 they do not exhibit significant odor producing potential.

295 Regarding noise: RSP Consulting determined the estimated noise doesn't appear to have an adverse
296 impact on the immediate area.

297 Regarding traffic: The Woodland Design Group performed an independent study and provided a detailed
298 report. They looked at the current traffic conditions and then at the proposal and determined the
299 impact as follows:

300 1.22% increase eastbound weekday AM traffic

301 4.9% increase eastbound weekday PM traffic

302 7.8% increase eastbound weekend peak hour traffic

303 .59% increase westbound weekday AM traffic

304 2.26% increase westbound weekday PM traffic

305 3.39% increase westbound weekend peak hour traffic

306 The conclusion is that these are minor increases that wouldn't have any noticeable impact on the
307 surrounding roadways and present no threat to public safety. There is adequate sight distance at this
308 site and line of sight isn't an issue.

309
310 These reports prove there are no threats to public health, safety or welfare with this proposal.
311 FYI for the public, if the ZBA grants these variances, this plan still needs to go before the Planning board
312 where they will analyze all of this again. Also, NH DOT controls access to the road. They will have final
313 say regarding that. NH DES may also have a say in where things go because of where wetlands may lie.

314
315 Value:

316 F and M Appraisal did an independent appraisal to look at residential values around a project like this-
317 one in a residential area with a commercial use going up next door. They found two comparable
318 facilities. They looked at residential sales values before and after the project went in. The conclusion
319 was there would be no diminution of value to any abutting properties from this proposal.

320
321 Substantial justice:

322 Harm to the public is weighed here, but there will be no harm to the public. The concerns of the public
323 have been addressed and conditions have been offered. This proposed use preserves much of the
324 important parts of this site. A denial will clearly harm the owner. This will affect her greatly. If the ZBA
325 rules in favor of the applicant, substantial justice will be done.

326
327 Hardship:

328 The property is unique. Kevin Anderson and Nancy Keirstead laid that out. The topography and wetlands
329 are worse in the front acreage which causes issues trying to get to the back, flatter area if that were to
330 be developed.

331 Does enforcement of the ordinance bear a fair and substantial relationship to the purpose? No. If single
332 family homes were put in there, trees would come down and driveways would go in. So if you enforce
333 the ordinance, you're still going to have major alterations and construction would be all over the lot.
334 This is the opportunity to say we won't enforce the ordinance because it doesn't bear a fair and
335 substantial relationship to keeping the property scenic and rural. Putting in permitted uses such as

residential properties is going to create a problem with preserving the lot. An even worse option would be large commercial buildings or hospitals. And Rte. 101 is just not a great place to have a house.

Is the requested relief a reasonable use?

These are good uses for the area. The inn is the biggest new use. There will be up to 24 rooms plus a spa, restaurant and bar. The size and scope of the project may change through the planning board stages, but what they've described is the maximum they are asking for. When you want to go to a country inn, you want to go to a rural area- not a commercial district.

They plan to convert the barn to a distillery, tasting room and function hall. With the alcohol manufacturing operation these days, people want to come and see the process and gather.

The office request is for regular office use – not professional office use (medical/ dental offices). The professional office use is permitted, but the existing structure would have to be torn down and rebuilt.

Height variance: Adding 12 feet shouldn't alter the character of the neighborhood negatively, it should actually enhance it. It won't affect the public health, safety or welfare or the values of surrounding properties. Substantial justice will be done to keep the character and spirit of the neighborhood. Is there a hardship if you deny the variance? The property is unique due to topography and wetlands. Generally, height restrictions are put in place for fire regulations or to keep a town area from growing too high. We are asking for this variance for the proposed use which is reasonable.

They are asking for ZBA approval for these two variances conditioned upon 25 acres of conservation land in the back and including the five conditions listed in the water study.

The Board asked a few questions.

K. Shea asked if he can provide the board with paperwork for the stipulation for conservation. Yes

C. Vars clarified the distance from Winterberry Dr. to the 11-acre line is 1600 feet rather than 800 feet.

R. Panasiti asked about the safety of people going back and forth across Rte. 101.

The traffic consultant said an able bodied person could cross, but it is discouraged. They don't want anyone to walk across that road. The primary access is across from the winery. There is a secondary access down the road. If there's a wedding party and they need to get to the rooms across the road, the winery would supply a shuttle. The Planning board will address that and they will come up with solutions.

R. Rowe asked if they've considered a pedestrian overpass as a condition of approval.

No. They have thought about the underpass by the sledding hill, but have not discussed it thoroughly. They would not consider it as a condition because they haven't done any research on its feasibility or cost.

K. Shea said that's a Planning Board issue and the issue before us is the use of the land and if this applicant didn't own the property across the street we wouldn't be asking this.

M. Hollis clarified some drainage for D. Kirkwood.

Public Comment

1. M. Dell Orfano 151 Mack Hill Rd

This proposal is consistent with what they heard in town meetings. This use is the highest and best use of the property. The project at Limbo Ln proposed housing, but couldn't meet the decimal level from the road. He doubts a residential proposal would pass muster at this location either.

384 2. Paula Domanski Greenbriar Ln-abutter and member of the community.
385 This is not good for Amherst as a whole. It's not in line with the Master plan especially in the northern
386 residential zone. That area is supposed to be rural. The winery can currently accommodate 250 people
387 and this plan could add another 250 which could have a huge traffic impact and ruin the rural area. It
388 has diminished her property value.
389

390 3. Adam Jacobs 21 Mack Hill Rd
391 That property could have a warehouse building or a mega church or a sports complex and no one would
392 like that. Those uses wouldn't have to go through as much work as this applicant has. This proposal
393 includes three sides of buffer land and they've done a great job creating something that will be pleasing
394 and in character with the area and probably increase property values. This is our chance to help
395 determine what we have here in town.
396

397 4. Kazem Haji-Aghajani 34 Holly Hill Dr.
398 This speaker created and submitted a water report which shows water extraction currently and with the
399 proposed plan causing significant impact to property values. He is a retired systems architect and is
400 interested in the facts. The data provided by LaBelle has been ambiguous regarding water use. He used
401 data from the state and created a summary of the current water use from the winery plus the additional
402 use of the proposed facilities. He summarized it and then gave it to the board. They will use 111 million
403 gallons of water per year. The entire 75 households in that area use 10.9 million gallons of water per
404 year. That cannot be sustained. At some point wells will dry up. Would you move to a home that does
405 not have water resources? He is sympathetic to Nancy, but the solution is not to make the rest of the
406 area suffer. He would be in favor of giving her tax relief since they have donated land to conservation.
407

408 5. Rachel 145 Wallace Rd
409 Amy and Cesar are invested in the town. If the land is going to be used and we don't have a way to
410 preserve it, this is a great way. This prevents large corporations from coming in to that location.
411

412 6. Neil O'Brien 3 Greenbriar Ln
413 The existing facility creates noise and traffic that they have to deal with. Now it may expand across the
414 road and expand closer to their home. There is a benefit to LaBelle to expand, but it is harmful to the
415 Holly Hill neighborhood. The number of people on that small area of land is not the spirit of the master
416 plan- it is contrary to it.
417

418 7. Adam Schneider 12 Ridgewood Dr
419 The abutters should think about what the land is zoned for and what's being planned here. The benefits
420 to the town are if LaBelle does this plan rather than have other groups that could come in there.
421

422 8. James O'Reilly 24 Greenbriar Ln
423 He has been there for 36 years. A shuttle van is noble, but not everyone will use it. He gave statistics:
424 31% of fatal car accidents occur on the weekends. Fatal car accidents occur four times more frequently
425 at night. This is a mathematical formula for disaster. He pointed to public interest, safety and welfare.
426

427 9. Rommel Espinal 170 Hollis Rd
428 He is a new resident who moved here from Boston, then Nashua and now Amherst. That was a
429 conscience decision and he's ok with the demographics of the town. But his children will have a different
430 idea of what a community looks like and where they gather. This is a family run business that is trying
431 hard to preserve and respect the nature around them. Someone is going to build on this property.

Nothing else will be as beautiful as what the Arboledas are trying to do. What do we want for our youth moving forward?

10. Greg Szot 15 Greenbriar Ln

He requested that the board table the meeting because a lot of new information was given tonight including: what is a PRD, is this a hotel? Regarding hardship, The Bragdon family hardship is understandable, but those were family decisions to donate the land. Coming and going from the venues will be an issue especially after having consumed alcohol. The 25 acres of donated land and 10 acres reserved for future use is new information and there's too much new information to process at this time. The barn height was never answered. He would like the wording to be more concrete. All terms are "try" and should be made to be concrete.

D. Kirkwood replied that many of his questions are better addressed to the Planning board. He explained that if the ZBA grants the variance, that's not the end of the process. There are many more steps to go through and the Planning board meetings are also open to the public for comment.

15. Rick Boyd 2 North End of Lake

This is the best thing he's seen for Amherst. It's a showcase up there where they have the winery and will now have that same beautiful architecture across the street. This fits the spirit of the master plan. He wants to see neighbors and meet and gather to have dinner, have a Christmas party, marry his children there.

16. Beth Village Woods Dr- not a nearby neighbor.

This is a tasteful plan but she cannot make decisions for others that may take their water. She would love to be in favor, but not until the water issue is taken care of.

17 Tracy Hutchins 5 Beaver Brook Cir

She is chair of the chamber of commerce. She is in support of positive economic development. Lodging is a major issue for this area. She is always sending people out of town for those needs. If people stay there they will probably also spend money at Moulton's, purchase gas locally and get coffee from the Black Forest.

18. Robert Carson 7 Winterberry Dr

The project looks great, but the issue is the water. He already has terrible water pressure. The winery is great, but the water impact is of great concern.

19. Robert Allwarden 12 Gowing Ln

He is in support. He is a teacher in Amherst and he performs at LaBelle and it gives him a place to be proud of in Amherst. If someone was going to do the right thing with that property, it's Amy and Cesar after seeing what they did at the winery.

20. Bruce Derienze 29 Holly Hill Dr

He addressed the five points. The master plan mentions 'rural' many times. This plan doesn't look rural. He read from the master plan about preserving small town character. Commercial uses should be on 101A or in zoned areas. The northern rural area on Rte. 101 should be kept rural. He read from Section A of the ordinance. If you let it go forward, you're going around the ordinance. The 50 mph road between these two facilities that are going to be working together is dangerous and puts people in jeopardy.

480 21. Cole Fach 1 Woodland Dr
 481 He owned a restaurant in this community. We've heard an excellent presentation with conscientious
 482 data at a very early stage of the plan. He has consulted for LaBelle. We have the opportunity to have a
 483 known entity in that property.
 484

485 22. Jacob Macedo 9 Winterberry Dr
 486 The design is well done. He had two issues. He didn't want to see it from his house and the 25-acre
 487 buffer fixes that. The water issue is the other. We haven't had enough time to digest the report yet. Also
 488 the foot traffic between the sledding hill and skating rink is too risky for children.
 489

490 23. Stacy Clark owner of 8.5 acres on Hollis Rd that has been approved for workforce housing
 491 She asked the abutters to think about what the permitted uses are for this property. This is a thoughtful
 492 proposal in front of you. The buildings will be kept. The permitted uses could be worse. Change will
 493 happen. Think about that. You have someone in town that wants it. If you have a 200-unit housing
 494 project in there, water will still be an issue.
 495

496 24. Helmut Tatar 16 Greenbriar Ln
 497 A distillery was not on the list and should be eliminated. This project should be on 101A or Rte. 122 or
 498 NH State 101 and Horace Greeley Rd. There shouldn't be owners across a state highway.
 499

500 25. John D'Angelo 9 Woodland Dr
 501 Most issues that are coming up belong to the Planning board or DES. Something is going to change on
 502 this property. Regarding harm to the community: you can bet on LaBelle. They've done a great job so far
 503 and will continue to do so. It will be a gem to the community if it goes forward and he's in support of it.
 504

505 26. James Malley 15 Holly Hill Dr
 506 It seems most of the people in support don't live in the area. The need for dining is moot. Salsburg
 507 square can't keep restaurants. The water issue and apartments in there is an issue. He's concerned with
 508 promises that aren't binding: conservation/ height/ etc. Water is the biggest issue. Along with sewage. Is
 509 town water going to go in? Town sewage? Haven't heard any plans for that. A lot is going on based on
 510 trust. What is the recourse for Holly Hill area residents if their wells go dry? Would LaBelle pay?
 511

512 27. Marc Roy 32 Holly Hill Dr
 513 On 101 westbound there is a natural hill. Most of this stuff is hidden until you drive by it. It is 45 acres of
 514 land. It could be clear cut, have 45 houses or low-income housing. A lot of work has been put into this.
 515 It's a great plan.
 516

517 28. Fred Riccio 28 Holly Hill Dr
 518 It's a great plan and I would like to come to visit it if I lived elsewhere. It will be a destination. He's
 519 worried about Rte. 101. He doesn't think it will support what this is going to bring. He can't even take a
 520 left hand turn out of Holly Hill now.
 521

522 29. Megan- Milford- LaBelle employee
 523 They have done great for their employees. She takes a left turn out of LaBelle every day and sometimes
 524 it's difficult, but it's worth it. People come from far to see this beautiful facility. There will be financial
 525 benefits to the surrounding areas due to these visitors.
 526

527 At this time D. Kirkwood announced there would be a 5-minute break.

528 Public Comment continued
529 30. Morgan- Mt. Vernon- LaBelle employee
530 There are endless opportunities with LaBelle going forward. They are a great local option for the youth
531 workforce.
532
533 31. Anita Riccio 28 Holly Hill Dr
534 You're not taking Holly Hill residents into consideration. They have many reasons to be concerned. Keep
535 it residential. Choose a commercial area for commercial use.
536
537 32. John Tempcheck- Concord-LaBelle employee
538 He is the facilities manager and vineyard manager and records the daily water usage at the winery. It
539 averages 1600 gallons a day. They use steam cleaning and don't irrigate the vineyard to keep the water
540 usage down.
541
542 33. Symantha Gates 6 Winterberry Dr
543 She encouraged the ZBA to do their elected function. This is a precedence- setting project because
544 there's no other cross- highway project in this area. And if you're going to change the gateway from
545 rural/residential to commercial, that's in violation of the northern transitional zone.
546
547 34. Allison Mangles 14 Roberge Dr
548 The harm would be greater by other potential projects that could be there.
549
550 35. Margaret Laraia 12 Greenbriar Ln
551 There is a lack of trust between LaBelle and the Town in their previous plan. Many aspects of the plan
552 are vague.
553
554 36. Michelle- Bedford- Director of Sales at LaBelle
555 All events go through the sales department. They don't oversell any event so there are no parking
556 issues. There has never been an accident at that intersection.
557
558 37. Cheryl Mahoney 5 Winterberry Dr
559 She's not leaning either way. The architecture is great and she's glad for the 25-acre buffer. Water is the
560 main problem she is concerned about. She appreciated being able to read the reports in the office
561 today. Please look at the data regarding water.
562
563 38. Ken Kornreich- owner of Camp Young Judea, abutter
564 Great job in the presentation. Give some trust to what they say they will do. It is a pleasing sight coming
565 into town.
566
567 At this time, D. Kirkwood closed the public comment portion of the meeting.
568
569 Attorney Hollis presented and read into the record the stipulations and conditions for approval he has
570 written out.
571 The ZBA conditions approval of the variance with the following stipulations and conditions:
572 1. The 25+ acres located northerly of the proposed development area (11 acres) which are shown on the
573 plan titled "Zoning Board of Adjustment Exhibit preliminary site plan prepared for LaBelle Winery land
574 of, The Richard N. Bragdon Family Trust Tax Map 8 Lot 52 340 N.H. Route 101 Amherst, NH scale 1"= 50'
575 dated July 14, 2016 prepared by Meridian Land Services, Inc. and identified thereon as "25 acres more

or less” shall be restricted against future development other than recreation trails approved by the Amherst Conservation Commission and may only be used as open space for a PRD development on the adjacent portion of the land identified on the plan as “10 acres”.

2. The five recommendations made by StoneHill Environmental on page six dated August 11, 2016 be requirements of future use as presented:

- The proposed development should be designed to minimize the percentage of impervious surfaces at the site;
- Surface drainage from impervious surfaces should be directed to detention ponds, recharge swales, dry wells, rain gardens, and other recharge enhancing features to maximize precipitation recharge to the underlying bedrock;
- Although the most significant determining factors for the yield of a well are related to the bedrock characteristics at the immediate location of the bedrock well and the hydrogeology of the well vicinity, the availability of groundwater is also dependent on other factors such as meteorological conditions. Therefore, during summer months and/or extended drought periods, it may become necessary to manage discretionary water use by restricting or prohibiting such activities as landscape irrigation which can result in significantly greater groundwater withdrawals as compared to normal facility water use.
- Should the installation of irrigation systems be planned as part of the Site development, state-of-the-art systems that monitor such parameters as precipitation and soil moisture content should be considered to minimize water consumption and waste. Additional assessment would be required to determine the impacts from the significant water withdrawals typically associated with irrigation.
- In order to ensure that supply wells installed as part of the Site development yield sufficient water volume for the anticipated use, well yield testing should be conducted during the development of a new supply well. Use of a testing procedure will minimize the completion of a supply well that fails to provide adequate water yields to meet the required facility water needs.

The applicant agrees to these conditions as a stipulation for granting the variance.

The water issue is critical to the applicant as well as the abutters. The StoneHill Environmental report is available for everyone to read. The consultant is available for questions and he will provide a rebuttal letter to be submitted, if allowable, as a rebuttal to the report given tonight by public comment. The numbers that have been given by the two reports are significantly disparate. The applicants numbers are based upon estimated withdrawal from the current usage at the winery and the distillery which will have a similar withdrawal as well as an estimated sewer discharge based on standard amounts for inns, offices and event centers. His estimation is 9700 gallons of withdrawal per day. You also have to consider the recharge that occurs which was not considered in the other report. He reiterated that it is their opinion that the proposal will not harm the public health, safety or welfare.

Having a state highway splitting between these uses is a Planning board issue. These issues occur often-even if it's housing across the street from an ice cream stand.

Regarding the master plan's use of the word rural, we are asking for a variance for relief from the ordinance restrictions. Any variance is contrary to the definition in the ordinance.

We are talking about 5500 square feet. That's about half the size of a grocery store. This is not a huge development.

624 C. Vars mentioned a correction to the plan: 1" = 100ft. Attorney Hollis said the plan should be corrected
625 if it is inaccurate, but the plan he's looking at isn't so he wants his stipulation to match the plan he is
626 submitting.

627

628 **At 10:54pm K. Shea moved and J. Ramsay seconded to go into deliberations.**

629 Discussion

630 R. Rowe suggested tabling the deliberations to the next meeting to consider some of the issues that
631 have been brought forth.

632 K. Shea withdrew his motion.

633 The chair recommended tabling the deliberations for two weeks to August 30th to review the
634 documents.

635 K. Shea said it's important to know why we are looking to table. Not a lot of new, relevant information
636 was presented tonight. Most of the information came in our packets several weeks ago, and was
637 presented tonight. Many of the valid issues that have been brought up are not for the Zoning board.

638

639 D. Kirkwood said he feels a little uncomfortable and that there's still information that we need to digest
640 to be sure that some of those Planning board issues aren't also health, safety and welfare issues.

641 **R. Rowe moved to table deliberations to August 30th C. Vars seconded.**

642 **Vote: 6 in favor, 1 opposed (K. Shea).**

643

644 **C. Vars moved and R. Panasiti seconded to adjourn at 10:58pm. Vote: unanimous**

645

646 Respectfully submitted,

647 Jessica Marchant