

**Lancaster Planning Board
Minutes of Meeting**

Meeting held in Lancaster Town Hall, Second Floor

Wednesday - July 14, 2021

The meeting was called to order at 6:30 PM by Chairman Andy Nadeau followed by the Pledge of Allegiance.

Initial Business:

Roll Call:

Regular Members:

Present: Chairman Andy Nadeau, Vice Chairman Justin Carter, Selectmen's Representative Leon Rideout, Mark M. E. Frank, Mark M. St. Pierre and Maggie Jones.

Absent: Rusty Scott.

Alternate Members:

Present: Selectmen's Representative Alternate Troy Merner, Don Doolan, Vicki Gibbs and Rick McCarten.

Absent: Greg Westcott.

Others attending:

Town Manager Benjamin Gaetjens-Oleson, Clerk Sandra Doolan, Allen Bouthillier, Larry Towle, Gary & Sharon Chamberlain, Donald Freddette, Mark Vander-Heyden and Lise Howson.

To review and approve the minutes of the June 9, 2021 meeting.

Noting that there were no additions or corrections to be made to the minutes a motion was called for to accept them as written.

A motion was made by Mark M. E. Frank and seconded by Maggie Jones to accept the minutes as written. A vote was taken and the motion carried.

Appointment(s):

- None.

Public Hearing(s):

Minor Site Plan Review:

Case #821 – Granite State Land Holdings, LLC & AB Aggregates, LLC - Owner & Applicant request approval to place an asphalt mixing plant on property currently operating as a gravel storage and distribution facility. Plant shall include necessary equipment including material storage silo & tanks, control building and main office. Land Zoned Commercial/Industrial and Agricultural. (Tax Map R01 Lot 021 (182.69 acres), Industrial Park Road). **Review Application for Completeness. Vote on Final Approval.**

Chairman Andy Nadeau recused himself from the Board at 6:37 PM to present the case. Vice Chairman Justin Carter will manage the meeting during this time.

Andy Nadeau presented the case and stated that Allen Bouthillier currently runs a gravel operation within the Industrial Park. He stated this proposal was the next phase of this operation. He stated the plan was to place an asphalt mixing plant on land currently used as part of the

gravel business and use the aggregate from the business to supply the plant. The equipment to be placed was previously located in Dalton. Mr. Nadeau explained a letter was submitted by the State of NH who is an abutter and they expressed concerns (copy of letter attached to minutes). Copies were given to the Planning Board and Mr. Nadeau read it to the Board.

Don Doolan asked why they are getting the letter now and not when their packets were sent to them. Benjamin Gaetjens-Oleson explained it was because the abutter notice wasn't received until after the packets were sent. After reviewing the information in the letter the Board felt that some conditions of approval would be warranted. Mr. Nadeau asked the Applicant, Allen Bouthillier, if he had any more to add. Mr. Bouthillier stated he had always thought the land was all zoned Commercial/Industrial as it was at one time slated to house Pine Tree Power and later a private prison under contract through the State of NH. Mr. Gaetjens-Oleson explained that the last rezoning in that area was in 2005 and it did not zone the whole 180+ acres Commercial/Industrial. Mr. Gaetjens-Oleson asked if the plant could be relocated so it is all in the Commercial/Industrial District. Larry Towle stated it probably could be but would require more changes to the infrastructure there. Mr. Bouthillier explained that they would follow through with what the Board required.

The Board asked Mr. Gaetjens-Oleson if he had reviewed the application. He explained that he classified this as a minor site plan and felt everything and more was submitted. There being nothing further from the applicant or their agent Vice Chairman Justin Carter called for a motion to approve the application as complete.

A motion was made by Leon Rideout and seconded by Mark M. St. Pierre to accept the application as complete. A vote was taken and the motion carried.

Vice Chairman Carter opened the Public Hearing and asked if there were any abutters who wished to speak to the proposal. There being none Vice Chairman Carter asked if anyone from the public wished to speak to the proposal. There being none the hearing was closed to all but the Board. The Board discussed the letter from the State and felt that a variance would be necessary or the relocation of the plant out of the Agricultural District. They also wanted to be sure the facility was designed to ensure runoff is not directed to the wetlands. Mr. Towle explained the State would need to issue them a spill protection permit which would address some of these issues. Mr. Gaetjens-Oleson offered to present some proposed conditions for the Board to consider based on the concerns presented.

CONDITIONS PRECEDENT

1. A Use Variance for the portion of the facility located in the Agricultural District shall be approved by the Lancaster Zoning Board of Adjustment or the non-compliant elements of the facility shall be relocated out of the Agricultural District.
2. Plan shall be updated to show final grades of facility.

CONDITIONS SUBSEQUENT

1. Lancaster's Public Safety Departments shall be allowed to annually tour the facility after coordination with the facility owner.
2. Copies of all State permit applications and approvals shall be provided to the Town of Lancaster.
3. As-builts of the facility shall be provided in paper and digital form upon completion of the project.

A motion was made by Leon Rideout and seconded by Mark M. E. Frank to approve the site plan as presented with the following conditions:

CONDITIONS PRECEDENT

1. **A Use Variance for the portion of the facility located in the Agricultural District shall be approved by the Lancaster Zoning Board of Adjustment or the non-compliant elements of the facility shall be relocated out of the Agricultural District.**
2. **Plan shall be updated to show final grades of facility.**

CONDITIONS SUBSEQUENT

1. **Lancaster's Public Safety Departments shall be allowed to annually tour the facility after coordination with the facility owner.**
2. **Copies of all State permit applications and approvals shall be provided to the Town of Lancaster.**
3. **As-builts of the facility shall be provided in paper and digital form upon completion of the project.**

A vote was taken and the motion carried.

Chairman Andy Nadeau returned to the Board at 7:02 P.M.

Technical Subdivision/Lot Line Adjustment:

Case #822- Landra S. Leach and Joseph W. Morrison & Allysia Guy – Applicants/Owners request a Technical Subdivision Lot/Line Adjustment to adjust various lot lines between two abutting parcels off Portland Street in Lancaster with Tax Map R24-Lot 023 receiving approximately 0.25 acres from Tax Map R24- Lot 024. No new lots to be created. Land Zoned Agricultural. (Tax Map R24-Lot 024 (25.41 acres), 281 Portland Street and Tax Map R24-Lot 023 (34.31 acres), 273 Portland Street). **Review Application for Completeness. Vote on Final Approval.**

Surveyor Mark Vander-Heyden presented the case and passed out copies of plans. He explained how he presented a preliminary of this case to the Board in late 2018/early 2019 but was unable to present a formal proposal to the Board before COVID hit. He stated Morrison/Guy wished to have the lines moved so they could have ownership of the berry patch between the two lots and give a little more space for setbacks.

Chairman Nadeau asked Mr. Gaetjens-Oleson if he had reviewed the application. Mr. Gaetjens-Oleson stated he had and he felt it was complete.

A motion was made by Mark M. St. Pierre and seconded by Mark M. E. Frank to accept the application as complete. A vote was taken and the motion carried.

Chairman Nadeau opened the Public Hearing and asked if there were any abutters who wished to speak to the proposal. There being none Chairman Nadeau asked if anyone from the public wished to speak to the proposal. There being none the hearing was closed to all but the Board.

With no further discussion a motion was called for to accept the plan for final approval. **A motion was made by Leon Rideout and seconded by Maggie Jones to accept the plan for final approval. A vote was taken and the motion carried.**

Minor Subdivision:

Case # 823 – Thomas P. Wolfe – Applicant/Owner requests a minor subdivision to divide 1 lot off Hartco Avenue and Portland Street into 2 lots. Said minor subdivision will result in one lot totaling approximately 23 acres with the remaining lands totaling approximately 53.8 acres. Land Zoned Agricultural. (Tax Map P13 – Lot 055 (78.26 acres), 41 Hartco Avenue). **Review Application for Completeness. Vote on Final Approval.**

Surveyor Mark Vander-Heyden presented the case and passed out copies of the plans. He stated that his client is only dividing the 1 lot into 2 lots. There are no plans for building or selling of the land at this time. The property currently has a house under partial construction and there has been some plantings of fruit orchards around the property.

Chairman Nadeau asked Mr. Gaetjens-Oleson if he had reviewed the application. Mr. Gaetjens-Oleson stated he had and that with plans presented at the meeting included setback lines and also a waiver to allow topography lines every 10' instead of 5'. The Board agreed requiring topo lines at 5' would really clog the plan and approved the waiver for 10' topo lines. With that Mr. Gaetjens-Oleson felt the application was complete.

A motion was made by Justin Carter and seconded by Leon Rideout to accept the application as complete. A vote was taken and the motion carried.

Chairman Nadeau opened the Public Hearing and asked if there were any abutters who wished to speak to the proposal. There being none Chairman Nadeau asked if anyone from the public wished to speak to the proposal. There being none the hearing was closed to all but the Board. It was asked if all of the Hartshorn lots shown on the plan were vacant and the answer was yes.

A motion was made by Mark M. St. Pierre and seconded by Mark M. E. Frank to accept the plan for final approval. A vote was taken and the motion carried.

Other Business:

Preliminary Conceptual Consultation(s):

- None.

Commercial Building Permit(s):

- None. Mr. Gaetjens-Oleson stated that the Board should adopt some provision in the Site Plan Review Regulations concerning properties doing minor renovations that had not previously gone through site plan. The intent would be to ensure developments that were done prior to site plan follow current guidelines. He referenced the recent McDonalds renovations and landscaping. Selectman's Representative Leon Rideout stated that we shouldn't discourage people from making improvements. Mr. Gaetjens-Oleson agreed and stated some of the review could be administrative. He stated things like landscaping are often adjusted after years of growth and the Board should consider how a mature landscape would affect the overall property after several years.

Recent Zoning Decision(s):

- Denied-John Danos for a Special Exception concerning article 5.04, "Uses Permitted by Special Exception in the Agricultural District". Mr. Gaetjens-Oleson stated that the Board should look at creating an ordinance to address short term rentals.

Training Topic(s)/Material(s):

- None.

Announcement(s)/Correspondence(s):

- None.

Other Business as may legally be brought before said meeting.

- Amendment to Planning Board's Rules of Procedure: Mr. Gaetjens-Oleson presented a draft of the Board's Rules of Procedure with an amendment to clarify how alternates work with the Board. He explained it should be clarified that they have all the powers of a regular voting member except cannot vote on topics. This allows them to participate and ask questions during meetings and public hearings.

A motion was made by Mark M. St. Pierre and seconded by Leon Rideout to approve the amendment to the regulations as presented. A vote was taken and the motion carried.

- Appointments to Master Plan Committee: Mr. Gaetjens-Oleson explained that there have been some changes to the roles of people on the Master Plan Committee and the Board should reappoint the members under their new roles. He listed those to be appointed.
Nancy Southworth – Conservation Commission Representative
Leon Rideout – Selectboard Representative
Leo Enos – Community Member
Kim Votta – Community Member

A motion was made by Maggie Jones and seconded by Mark M. E. Frank to approve the above appointments. A vote was taken and the motion carried.

- Mr. Gaetjens-Oleson announced the public presentation of the Conservation Commission's recent Natural Resource Inventory to be held on Monday, 8/9 at 5:30 at the Welcome Center (press release attached to minutes). He stated the Commission would love to see as many Board members there as can make it. He also told the Board he would email out the NRI for them to use as reference as they review proposals.

Noting there was nothing further to come before the meeting a motion was called for to adjourn.

A motion was made by Leon Rideout and seconded by Mark M. E. Frank to adjourn. A vote was taken and the meeting adjourned at 7:41 P.M.

Respectfully,


Sandra E. Doolan – Clerk

Approved: 8/11/2021


Andy Nadeau - Chairman



STATE OF NEW HAMPSHIRE
DEPARTMENT of NATURAL and CULTURAL RESOURCES
Division of Forests and Lands

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July 14, 2021

Lancaster Planning Board
25 Main Street
Lancaster, NH 03584

Re: Granite State Land Holdings, LLC & AB Aggregates Site Plan Review

Dear Chairperson,

The Department of Natural and Cultural Resources (DNCR) received notice as an abutter of a site plan application submitted by Granite State Holdings, LLC & AB Aggregates. DNCR's abutting land was acquired as mitigation for previous wetland impacts on this applicant's property. After a review of the plan entitled, Granite State Land Holdings, LLC, Proposed Asphalt Plant, submitted in conjunction with the application, DNCR, as an abutter, would like to make the following observations.

The property is split by the zoning district boundary between the Agricultural Zone and the Commercial/Industrial Zone. The majority of the functional workings of the proposed asphalt plant will be located within the Agricultural Zone (AZ). Our understanding is that the existing gravel operation would be allowed within the AZ by special permit, but it appears there is no such provision for asphalt plants. DNCR recommends that the plant be designed to be located entirely within the Commercial/Industrial Zone or the appropriate application should be submitted to the Lancaster Zoning Board for relief from this regulation.

According to the abutter notice, the application has been deemed a minor site plan. It appears that the criteria for determining the difference between major and minor site plan review deals mainly with expansion of building size and the creation of parking lots. Given the nature of the proposed development, a Major Site Plan Review would be more appropriate given the change in use (gravel operation to asphalt plant) as well as the potential impacts to adjacent wetlands, which are hydrologically connected to the wetlands on DNCR's property.

The proposed plan shows only "Limit of 2017 Design Topo". There are no proposed contours or grading shown. Therefore, it's not possible to determine if the proposal would have potential impact on adjacent wetlands. As mentioned above, DNCR's property was acquired as mitigation for previous wetlands impacts and it's very important that activities on the abutter's property do not impact the wetland and habitat values that the State's ownership was intended to protect.

Thank you for taking our comments into consideration.

Sincerely,

Tracey Boisvert
Land Management Bureau Administrator

For Release

**Lancaster Conservation Commission to Host Public Presentation
On Lancaster Natural Resource Inventory**

Lancaster, NH, July 7, 2021

The Lancaster Conservation Commission will host a public presentation to share the results of a 2020 Natural Resources Inventory. The presentation will be held on Monday, August 9th at 5:30 p.m. at the Lancaster Welcome Center, 25 Park Street, Lancaster, NH. All are welcome to attend.

The Inventory, conducted by Natural Resources Consultant Elise Lawson of East Burke, Vermont, resulted in a detailed report and maps that outline important species, habitats, and natural features in Lancaster. Lawson will present her findings and answer questions from those in attendance.

The Lancaster Natural Resources Inventory provides an important tool for the Conservation Commission as well as other Town boards, elected officials and property owners. The report can be downloaded from the Lancaster Town website at:

https://www.lancasternh.org/uploads/1/2/8/8/12887857/2020_lancaster_nri_final.pdf

Lawson compiled information from existing maps and digital data and conducted field work in 2019. The report provides detailed information about natural resources such as critical wildlife habitat, forest and agricultural lands, wetlands, ponds and streams, and scenic views.

According to Lancaster Town Manager Ben Gaetjens-Oleson, interest in the Natural Resources Inventory should go beyond just town boards: “This report is loaded with detailed information. I think it will be of interest to teachers and students, area residents and anyone interested in learning more about Lancaster’s natural environment.”

For More Information:

Racheal Stuart, LCC Chair
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