

**Lancaster Planning Board**  
**Location: Lancaster Town Hall**  
**Wednesday, February 8, 2023**

**Chair Andrew Nadeau opened the meeting at 1829H and led the Pledge of Allegiance.**

**Initial Business:** Roll call

**Regular Members:**

**Present:** Chair Andrew Nadeau, Vice Chair Maggie Jones, Mark St. Pierre, Greg Westcott, Vickie Gibbs

**Absent:** Selectmen's Representative Leon Rideout, Ericka Canales

**Alternate Members:**

**Present:** Donald Doolan, Evalyn Merrick

**Absent:** Rick McCarten, Alternate Selectmen's Representative Troy Merner

**Others Attending:** Land Use Coordinator Robin L. Irving, Morgan Hill

**Minutes:**

Maggie Jones moved to approve the January 11, 2023, minutes as written. Mark St. Pierre seconded the motion. All members voted to approve the January 11, 2023, minutes as written, no objections. *Motion passed.*

**Appointments:**

Maggie Jones had invited Morgan Hill to the meeting because Morgan has expressed interest in participating in the Planning Board. Morgan introduced herself as having grown up in Lancaster and is currently on the Board for Taproot; she would like to have a more informed sense of what is going on in the community and feels that she can constructively contribute given her background. Hill was not ready to commit to membership at the meeting but would make a decision after sitting in on meeting(s). Chairman Nadeau explained that most new members start out as alternates, which are non-voting members but can participate in discussion. Alternates can be voted to be moved up to Regular Voting Member status to fill an absence for a quorum as well as create a full voting board. Alternates typically transition to Regular Members. The Lancaster Planning Board does have a couple of vacancies for Alternates.

**Public Hearing(s):** None

**Other Business:**

**Preliminary Conceptual Consultation(s):** None

**Zoning Board Decision(s):** None; Lancaster Main Solar LLC ZB#543 was tabled and continued to 2/22/23

**Land Use Permit(s):**

**Land Use Permit #22-075A-Commercial, Owner(s)/Applicant(s) –LRH-2 LLC, 55 Main Street, to demo interior and renovate and construct eight (8) residential rental apartments on the 2<sup>nd</sup> and 3<sup>rd</sup> floors of 55 Main Street. First floor shall remain available as commercial/retail space (Amended permit to reflect plans dated 11/2/2022).**

LUC Irving indicated that this permit was amended to reflect a modified layout plan as well as include a condition of approval to submit annual rent rolls to the Town for a period of 5 years to verify compliance

with the HUD affordability standards. This condition of approval is intended to satisfy some potential federal funding programmatic requirements. She included this additional condition of approval for both 95-99 and 55 Main Street permits.

**Land Use Permit #23-004-Residential, Owner(s)/Applicant(s)—Olson, Mark A. & Diane K. and Olson, Jeffrey M. & Katrina K., 81 Reed Road,** to construct a stick-built 26'x38'x21' 2BR, 1BA, 1.5-story single-family home on full concrete unfinished basement, attached to 3BR-maximum approved septic, well

LUC Irving explained that there is already a cottage on the property and now the owners want to build this additional home. This application raised questions about density in the agricultural zone. LUC Irving permitted this single-family home as a primary dwelling, whereas the existing cottage could be permitted as a detached ADU. A couple of abutters have expressed concerns about the number of RVs with decks on the property, creating what they thought to be a campground. Irving explained that the Land Use Office had previously required any RVs to be hooked up to the septic system; they were supposed to be temporarily situated during construction of the dwelling(s). There is a 3BR-capacity approved septic on the property. If both houses are connected to this septic, the system would be maxed out and no RVs would be able to be connected. Because conditions of the permit were to not exceed the septic capacity and comply with RV septic connection provisions in the zoning ordinance, the RVs would have to be removed or get their own septic system. The state RSAs would apply to the number of RVs. The property owner asserted to Irving that there is only one registered RV on the property which is used for travel to campgrounds. LUC Irving said that she advised as proactive planning the property owners to situate the homes in accordance with setbacks as if there were a future subdivision, but the property owners refused to design the layout in that manner. She reminded them that, if the homes ended up being subject to a subdivision, the regulations require that homes on separate parcels have their own septic. Donald Doolan wanted to clarify whether the property owner would have to upgrade the septic system if a room was deemed to be an additional bedroom. Chairman Nadeau answered yes. LUC Irving said that is exactly why the condition of approval is on the permit. DES sends the septic approval and plan directly to the Town. The Land Use Office typically requires the house construction plans in order to issue a permit. The two plans need to coincide.

**Land Use Permit #23-005-Residential, Owner(s)/Applicant(s)—Carrier, Eric Peter, 15 Hartco Avenue,** to install 10" off roof flush-mounted SS S-5! Protea Bracket & AAA SnapNrack Series 100 rail PV Mounting System w/24-69.09"x40.87"x1.38" Bluesun BSM370M-60HPH-370W monocrystalline cell modules (~520 sf) and 12-DS3S dual microinverters connected to meter/Jbox/200A MSP w/breaker, RSS, 60A AC disconnects.

**Land Use Permit #23-008-Residential, Owner(s)/Applicant(s)—Matson, Brian, 65 Stebbins Hill Road,** to install ~75 ft from R boundary 8 ground-mounted IronRidge ground lugs into 20" concrete piers & AA IronRidge 3" Bracket and XR1000 rail PV Mounting System w/8000kW(DC)/6000kW(AC) PV solar array having 20-67.80"x44.65"x1.38" Freedom Forever 400(w) Mach2 mono-PERC modules (~432 sf) and 20 SolarEdge S440 power optimizers, Jbox, and a SolarEdge SE6000H-USRGM single phase inverters w/RSS, connected via U/G 1.5" PVC conduit to utility meter/200A MSP w/breaker, 60A Eaton AC disconnects; array with 1.5' clearance, angle 20 deg, 7'2" at panel ridgetop.

**Land Use Permit #23-006-Residential, Owner(s)/Applicant(s)—Spearin, Joseph, 10 Mayberry Lane,** to install a Grecian-style inground 16.5'x32.5'x8' vinyl liner pool with concrete walls, 27 mils vinyl liner, Al C-channel coping, and pump/filtration/heater connected to garage Jbox via U/G conduit

**Land Use Permit #23-007R-Commercial, Owner(s)/Applicant(s)—LRH-1 LLC, 95-99 Main Street,** to demo interior and renovate and construct six (6) residential rental apartments on the 2<sup>nd</sup> and 3<sup>rd</sup> floors of 95-99 Main Street. First floor shall remain available as commercial/retail space. (Renewal of 22-017A)

**Training Topic(s)/Material(s):** The Board watched approximately one (1) hour of a training video on YouTube called Housing Trends in New Hampshire: Diving into the Data (12/15/2022) offered by the New Hampshire Office of Planning & Development. The Board discussed the topics related to housing stock inventory, housing growth rates relative to population growth, the short-term rental in the North Country Region, and how this information integrated with the InvestNH grant-funded projects that the Board had voted to support. LUC Irving stated that North Country Council has their soon-to-be-released 2023 Housing Needs Assessment for the region—when it is released, she plans to send copies to the Board. The upshot is that trends affecting housing in the North Country Region have not changed significantly from 2021. Greg Westcott pointed out that increased housing impacts infrastructure that smaller, more rural areas do not have. For instance, increasing density zoning in a city wherein infrastructure is located throughout doesn't share the same detrimental effects on water and sewer systems as it does for small towns having capacity limits. LUC Irving countered that all systems have capacity limits. Chairman Nadeau commented that landlords are not motivated or incentivized to reasonably manage and maintain properties, especially because renters have no equity in the property and frequently disrespect the landlords and property. Maggie Jones said that many of her clients have expressed that renting is cheaper than paying a mortgage, so quality affordable housing is desirable. Chairman Nadeau asked if the data related to the number of housing units came from building permit logs and whether that data was further broken down into filled units versus vacant and available for rent. LUC Irving responded that the data is just the number of permits for newly created dwellings and does not make any further distinction.

**Announcement(s)/Correspondence:** LUC Irving wanted to provide details over some recent conversations regarding the InvestNH grant applications. She noted that she has already explained the Municipal Housing Opportunity Planning (“HOP”) Grant wherein the Town is the applicant and funds are awarded for the Town to hire a consultant to review our regulations and draft recommended provisions. The Town has been awarded \$58,450 from this grant and the Board of Selectmen voted to accept these funds as unanticipated funds at their meeting on 2/6/2023. The consultant services agreement was signed with Resilience Planning and Design (Steve Whitman). The Town also applied for Municipal Per Unit Grant funding wherein the Town may be awarded \$10,000 per new, qualifying, affordable housing unit created in their jurisdiction. This funding has not been awarded, partly due to pending documentation, including an enforceable affordability restriction agreement from LRH/PAK. Lastly, the Town applied for Municipal Demolition Grant funds. These funds are awarded to the Town and then distributed or subgranted to a third party, in this case LRH/PAK, to fund qualifying demolition-only expenditures. The Town has not been awarded this funding, partly due to pending documentation of an agreement between the Town and LRH/PAK that demolition expenditures only would be reimbursed. The Municipal Demolition Grant funding program does not require the Town to submit documentation of an affordability restriction. Although there is interplay between the applications, the awards are to be applied to distinctly different purposes. The Municipal Per Unit was designed to function as an incentive payment to the Town to invest in expedited permitting processes and other land use purposes. The Municipal Demolition Grant would be awarded to the Town to oversee the subgrant to LRH/PAK, essentially a reimbursement of LRH/PAK's demolition expenditures.

Finally, LRH/PAK had applied for Capital Grant funding to construct six (6) new affordable housing units at 95-99 Main Street (former Lancaster House of Pizza building) and eight (8) units at 55 Main Street (former Simon the Tanner building). Capital Grant funding was available to developers, not municipalities. The Town's involvement in the Capital Grant application process was limited to providing supporting documentation of permitting, zoning compliance, title verification, and enforcement of

affordability restriction processes, etc. Because LRH/PAK was not awarded Capital Grant funds leaving the 55 Main Street project underfunded, the number of units eligible for Municipal Per Unit Grant funding to be awarded to the Town is directly affected. The 55 Main Street project is on hold and the LRH/PAK is seeking alternative funding.

LUC Irving stressed that no funding other than the HOP grant has been awarded, so any rumor or public discussion otherwise is meritless. She stated that Selectman Rideout, however, has publicly announced that he will not sign any grant agreement that requires the town to impose, enforce, monitor, or support a rent restriction because it creates the perception that the Town supports rent control rather than a free market. Irving urged the members to consult with and request the Selectboard to back both the Planning and Zoning Boards, as both boards voted to support applications to these grant programs to encourage investment in the inadequate local housing market confirmed by regional analyses.

**Other Business as may legally brought before said meeting:** Don Doolan asked whether there was an effort by the State to pass legislation to allow two units, each having 2 dwellings, or one building with 4 dwellings on a residential lot? LUC Irving had sent out an email about HB44 which resurrected the “4-by” provisions from the former HB1177 that died in chamber. As HB44 text indicates, this provision would allow the State to mandate municipalities to permit by right certain single-family lots in residential districts to be used up to four dwelling units. Irving said that HB1177 was more of an omnibus bill that died for several reasons, one being the “4-by” provision as a *state* mandate on local level zoning. Many jurisdictions, supported by New Hampshire Municipal Association, vehemently opposed the loss of local control over zoning, including the Lancaster Land Use Office. The members reaffirmed their position that the power and authority over zoning should remain at the local level. LUC Irving emphasized that the current Lancaster Zoning Ordinance is actually quite generous; a residential lot of 10,000 sf has a density of 2 dwelling units and based on a broad (and questionable) interpretation of the RSAs regarding ADUs, a residential lot may be able to have 3 dwellings. Irving further said that in general, a board’s assessment of spirit, character, and purpose of the zoning ordinance relative to density in the residential district is glaringly different from density in the agricultural district where an increasing number of people want to build multiple structures on one lot. Dense sprawl is not favored in either the zoning ordinance or Master Plan.

Chairman Nadeau notified the Board that he intends to submit plans for the Dental Herb subdivision and the Joel Dupuis site plan for the next meeting. LUC Irving stated that the Lancaster Zoning Board addressed at their last meeting the distinction between the Dupuis Variance and the Scenna Special Exception in response to an inquiry from Dupuis. The rationale for their decision(s) are clearly laid out in the Zoning Board’s 1/25/2023 minutes. LUC Irving stated that the Lancaster Solar major site plan will be submitted for the next meeting and she also anticipates a subdivision plan for property off Page Hill Road just above the mobile home park.

Mark St. Pierre moved to adjourn the meeting at 2000H. Greg Westcott seconded the motion. All members voted to adjourn, no objections. *Motion passed.*

Respectfully submitted,

Robin L. Irving, Land Use Coordinator

Approved:

Andrew Nadeau, Chair