

Lancaster Planning Board
Location: Lancaster Town Hall
Wednesday, March 8, 2023

Chair Andrew Nadeau opened the meeting at 1832H 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, Shane Beattie (obo Leon Rideout voted @ 3/6/23 BOS meeting)

Absent: Selectmen's Representative Leon Rideout, Ericka Canales

Alternate Members:

Present: None

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

Others Attending: Land Use Coordinator Robin L. Irving, Martha Staskus (Applicant), Tyler Rancourt (Applicant), Scott Forbes (Abutter), Linda Ogle, Melissa Potter, Don Freddette

Minutes:

Maggie Jones requested an amendment of the February 8th meeting minutes on Page 3, ¶1, to delete "Maggie Jones said that many of her clients have expressed that renting is cheaper than paying a mortgage, so quality affordable housing is desirable," because the statement is out of context relative to the larger conversation that was discussed and as a stand alone comment it is not relevant. Mark St. Pierre moved to approve the February 8, 2023, minutes as amended. Greg Westcott seconded the motion. All members voted to approve the February 8, 2023, minutes as amended, no objections. *Motion passed.*

Appointments: Cabot Hill Properties LLC

LUC Irving explained that this case is classified as a Minor Site Plan Review because the proposed square footage of the addition is under the 4000 sf threshold to trigger a public hearing and she will decide on the plan administratively. Irving scheduled this application on the agenda to 1) provide information to the Planning Board, and to 2) prompt discussion and recommend conditions of approval if necessary. Tyler Rancourt was present as the representative for Cabot Hill Properties LLC. Chairman Andrew Nadeau recused per conflict of interest because he prepared the surveyed plans.

Tyler Rancourt is the VP of Dental Herb Company at 62 Bridge Street. Dental Herb has been operating out of the existing facility for over a decade. The proposal includes construction of a ~3300 sf addition to expand warehouse, and shipping/receiving area. Last year, the Planning Board approved a lot line adjustment, anticipating this addition and gaining enough land for trucks to turn. The slab is proposed to be on grade at the same elevation as the existing building. There will be some pavement added; the plan shows truck turning templates. There is no change of use. The improvement is partially within the flood zone. The existing building is actually above the flood zone elevation and this addition will match the existing building elevation. The applicant has applied to FEMA requesting removal of the addition from the flood zone. FEMA typically requests information regarding any grading within the flood zone because they do not want reduction of flood capacity; they also request a study to determine whether dirtwork affects any endangered species. The engineer designed the site so that fill from one area will be moved around the building, creating no net deficit/gain. There is a stormwater feature at the rear of the property wherein stormwater can be stored and diverted. Floodwater will be drained on site therefore there will be no drainage issues for the abutter(s). LUC Irving stated that she was inclined to approve the minor site plan with the conditions that the applicant comply with all zoning, building, fire, health/life safety, and add *floodplain* regulations. The board members stated that the project was thorough and straightforward

and agreed with Irving's proposed condition. Nadeau provided Irving with a required FEMA Community Acknowledgement Form for departmental public reporting purposes.

Public Hearing(s): Chairman Nadeau recused due to conflict of interest as surveyor.

Acting/Vice Chair Maggie Jones opened the public hearing for Planning Board Case #543.

Major Site Plan Review:

Case# 543 – Rexford, David A. & Linda T. (Owners) & Lancaster Main Solar LLC (Applicant) requests approval to construct a 999 KW alternating current, solar energy generation facility having a footprint of approximately 7 acres on land situated in the Commercial/Industrial Zoning District. Land Zoned Commercial/Industrial. *Waiver request for Public Hearing for Review of Project Site Plan Approval to be conducted at same meeting as Review for Completeness of Application.* (Tax Map R01-Lot 045, 14.20 acres, off Main Street aka Rexford Spreading Field).

Acting/Vice Chair Jones went through the Major Site Plan Review checklist.

Included in the submittal are the following: a) a completed **application for Site Plan Review**. Jones pointed out that the applicant's submittal included typed-put questions with their responses and explanations for "not applicable" responses; b) **name and address of the applicant(s)**; c) an **abutter's list** including names and addresses of the landholder; d) a list of the **names and addresses of engineer(s), land surveyor(s), architects and soil scientist** whose professional seal appears on the plat; e) copies of variance or **special exception** dated 2/22/2023; f) the applicant has not yet filed for a building permit (waiting for permitting to be procured); g) a plan showing 1) the **footprint** of all existing and proposed structures (Attachment B); 2) a sketch of exterior façade is not applicable because **there will not be any buildings**; 3) the use of all structures within the development showing anticipated future additions and alterations. There are **no anticipated additions** or alterations apart from the structures shown on the plan; 4) a plan for exterior lighting is not applicable because the **project does not include exterior lighting**; 5) a plan for proposed signs. The applicant intends to mount on the entrance gate **a small sign** having safety and contact information; 6) **loading spaces and facilities are temporary** during construction; 7) all **utilities**, existing and proposed are on the plan (no water or sewer, connection to electricity); 8) a proposed landscaping plan is not applicable as the area in and around the array will be **maintained as a meadow**; 9) proposed **drainage systems are shown on the plan**; 10) wetlands delineation for any areas proposed to be impacted are not applicable--the project **will not impact any wetland**; h) A narrative including 1) an estimated **timetable** for construction and completion of buildings; 2) a **description of the proposed use** including all activities, hours of operation, shipments in and out, food arrangements, and waste disposal is in the Project Overview. There are **no hours of operation, shipments in and out (other than during construction), or food arrangements**. Waste Disposal is addressed in §3 "Refuse Disposal" of the narrative; 3) a floor plan showing area of the building to be used for retail operations, office storage, etc., is not applicable **because the project does not include construction of buildings**; 4) a table showing maximum number of employees, maximum seating capacity where applicable and the number of parking spaces existing and required for the intended use is not applicable because the project **will not require FT on-site employees**, and staging areas will function as **temporary parking areas during construction only**; 5) zoning designation and dimensional requirements applicable to the site are shown as **setbacks for the Commercial/Industrial zone on the plan**.

The submission requirements for a Major Site Plan Review include a **plan on 22"x34" paper** minimum with a continuation on 11"x17" sheets if necessary with the following information: 1) name and address of the **preparer** on the plan; 2) name of the **project, boundaries, locus map, date, north arrow, and**

scale of plan; 3) a **vicinity sketch** showing the location of the site in relation to the surrounding public street system; 4) a current valid certification and seal on a **boundary survey** by a land surveyor licensed to practice in the state of New Hampshire; 5) boundaries of the lot(s) including **compass bearings, distances, lot areas, all existing lot lines, easements and rights of way;** 6) **acreage** or square feet; 7) **topographic contours;** 8) location of **natural features** such as streams, marshes. Wetlands, lakes or ponds, and manmade features such as **existing roads and structures**. The plan shall indicate which of these natural or manmade features will be removed, retained, or altered; 8) **roads, streets and driveways** within 200' of the site boundary; 9) as applicable, the **width of the traveled way** of all proposed streets, driveways and sidewalks within the site, with indication of direction of travel and the inside radii of all curves; 10) curbs, **fences**, paths and walls; 11) traffic flow pattern within the site as applicable, including **entrances and exits**, loading and unloading areas, curb cuts on the site and within 100' of the site, and wetlands delineation for any areas proposed to be impacted (not applicable).

Acting Chair Maggie Jones OPENED TO THE PUBLIC the hearing.

There were no public comments on the issue of completeness.

Acting Chair Maggie Jones CLOSED TO THE PUBLIC the hearing.

There was no further discussion by the Board.

Vickie Gibbs moved to accept the application for Major Site Plan as complete. Mark St. Pierre seconded the motion. All Board members voted to accept the application for Major Site Plan as complete, no objections. *Motion passed.* **Application for Major Site Plan accepted as complete.**

The Board considered the applicant's written waiver of the second public hearing wherein the board deliberates the merits of the application for approval. Acting Chair Jones mentioned that the idea of having two meeting is so that members have time to review all of the materials thoroughly; it is not a favored practice to consolidate the public hearings. She did not feel, however, that the Board would be seeking additional information and noted that the submitted materials were highly detailed and thoroughly prepared partly because they attended a preliminary conceptual consultation wherein the majority of questions were addressed. The board members agreed.

Greg Westcott moved to waive the separate second public hearing on 4/12/2023 for Case #543 and consolidate the hearing into the 3/8/2022 public hearing. Vickie Gibbs seconded the motion. All Board members voted to waive the separate second public hearing on 4/12/2023 for Case #543 and consolidate the hearing into the 3/8/2023 public hearing, no objections. *Motion passed.* **Second public hearing waived and consolidated.**

Martha Staskus from Norwich Technologies stated that Norwich Technologies is managing this solar project on the Rexford property; there is an option to purchase the property based on securing all permits to install the array. The proposed array is situated on a fenced-in 7-acre footprint while there is roughly 11 acres of disturbance of a 14.2-acre total parcel. The wetlands have been avoided and the request to Natural Heritage returned indicating no issues. An archeological review will be conducted in the spring due to proximity to the Connecticut River. The interconnection to Eversource application is submitted and pending. Access to the property would be off Old Groveton Road. The proposal includes two temporary staging areas, one to take delivery of the equipment and the other to stage the panels and racking equipment before installation. Once installed, the land will be topdressed with seed and mulched. There is an underground electrical conduit through the center of the rows of panels connecting the rows to the electric source. The limits of disturbance are flagged so that we stay in the work area. Work includes trenching down the center of the parcel, installing the electrical conduit, setting the racking equipment, then install the panels. The most time-intensive part is connecting all of the components electrically. All

of the power comes to a pad-mounted transformer constructed off Old Groveton Road, then the line is interconnected to the Eversource three-phase power. The plan was modified to reflect the relocation of the access road for the Forbes farming equipment to travel to the farmland at the rear of lot. This road was modified to have an adequate turn radius for the Forbes' trucks (50-foot trailer). To change that turning radius, the fence was moved closer to the last row of panels.

Acting Chair Maggie Jones OPENED TO THE PUBLIC the hearing.

Abutter Scott Forbes stated that he had been corresponding with Norwich Technologies about the access road. He informed the Board that the land where the road is used to be fill and had to be built up in order to accommodate the load of his trucks. For 4-5 days in the spring, then again in the fall, there is a lot of truck traffic on that road. He wants to make sure that the newly constructed access is built having the same or better width (at least 25 feet for 2 trucks to pass), load-bearing condition, and adequate turn radius as the existing road. Staskus stated that the road condition will be inventoried and documented during the site preparation to ensure that the new road will have the same quality. Relocation of the road will likely occur in the spring before construction. Forbes said that he could drive there with a goose neck trailer so that someone can measure the swing radius. Staskus replied that the road was civilly engineered using a turning template. She suggested that once the road is laid out, the team would notify Forbes to come on site and inspect it. No other abutters were present and there was no further discussion from the public.

Acting Chair Maggie Jones CLOSED TO THE PUBLIC the hearing.

The Board iterated that the application was thorough and complete and questions had been answered.

Vickie Gibbs moved to impose a condition of approval that “the relocated deeded right-of-way and access road shall be constructed the same or similarly to the existing road, including but not limited to adequate width, load-bearing base condition, and turning radius, subject to the approval of Forbes Farm Partnership.” Mark St. Pierre seconded the motion. All Board members voted to impose said condition of approval, no objections. *Motion passed.*

Condition of Approval to be imposed.

Mark St. Pierre moved to APPROVE WITH CONDITIONS the application for Major Site Plan. The condition is as follows:

“the relocated deeded right-of-way and access road shall be constructed the same or similarly to the existing road, including but not limited to adequate width, load-bearing base condition, and turning radius, subject to the approval of Forbes Farm Partnership.”

Greg Westcott seconded the motion. All Board members voted to APPROVE WITH CONDITIONS the application for Major Site Plan as moved, no objections. *Motion passed.* **MAJOR SITE PLAN APPROVED WITH CONDITIONS**

Acting Chair Jones reminded the applicant that there is a 30-day appeal period.

LUC Irving mentioned that she could not find documentation of the State's discontinuance and conveyance to the Town of Old Groveton Road. She was not sure whether, at the time of issuing the land use permit, whether a condition requiring the applicant to submit a driveway application to NHDOT would be needed. Andy Nadeau agreed to send the documents.

Other Business:

Andrew Nadeau resumed as Chairman for the remainder of the meeting.

Preliminary Conceptual Consultation(s): None

Zoning Board Decision(s):

Case# 543 – Lancaster Main Solar LLC for a Special Exception concerning Article 5, Section 5.03, “Uses Permitted by Special Exception in the Commercial/Industrial District.” Applicant/Owner seeks special exception approval to construct and operate a 999 KW alternating current, solar energy generation facility having a footprint of approximately 7 acres on land situated in the Commercial/Industrial Zoning District. Land Zoned Commercial/Industrial. (Tax Map R01-Lot 045, 14.20 acres, off Main Street aka Rexford Spreading Field).

The Lancaster Zoning Board APPROVED with NO conditions the application for Special Exception on February 22, 2023.

Land Use Permit(s):

Land Use Permit #23-010-Residential, Owner(s)/Applicant(s) –Rexford, Wayne & Tina, to construct a stick-built 12’x20’ shed with 1-mandoor, 2-end windows, and a shingled roof, all on a crushed gravel pad. No utilities. Intended to replace burned structure on approximate previous footprint.

LUC Irving explained that the applicants had previously been approved for a variance allowing the pole bar that burned down to be closer than the 50-foot setback for the frontage. This proposal was presented with a shed that was closer than the 40-foot rear setback by 7 feet. She imposed a condition to comply with the side and rear setbacks at 40-feet and move the shed closer to the frontage.

Land Use Permit #23-011-Residential, Owner(s)/Applicant(s)—Mattison, Margaret, 7 Fletcher Street, to gut and renovate the dwelling interior, renovate the kitchen with new cabinets, install new pine flooring, and install insulation.

Sign Permit #23-001-Commercial, Owner(s)/Applicant(s)—Scenna, Ryan M. & Jennilee A., sign located at 24 Wesson Road, Tax Map R24 Lot 053 in the Agricultural District for the use of a business called **PJ Scenna Auto Sales/Farm Equipment Repair & Sales**

LUC Irving said that the original rendering of the sign only had the word “auto” on it, however, she reminded the applicant that the reason that a Special Exception in the Agricultural District was granted was because the shop was targeting the farm equipment repair and sales market; Irving recommended that “farm equipment” be incorporated into the sign.

Training Topic(s)/Material(s): None

Announcement(s)/Correspondence:

LUC Irving shared Don Doolan’s Letter of Resignation effective March 1, 2023.

There will be a joint meeting of the Planning and Zoning Boards on Wednesday, March 29th at 6:30 in the conference room. Resilience Planning’s Steve Whitman and Crystal Kidd will be presenting the housing

update project. This is an opportunity to introduce yourselves and voice any housing concerns. LUC Irving emphasized that it is important that the board member, as representatives of our community, to provide input during this process of reform.

Other Business as may legally brought before said meeting:

Because officers are reappointed after Town Meeting, Chairman Nadeau voiced concerns about continuing as Chairman because he is having to recuse for conflict of interest (surveyor) on the majority of cases. He does not feel that he is serving as Chairman effectively due to the high frequency of recusals. Sometimes his roles are confused and he does not want a discrepancy over role to contribute to an appeal or rehearing. He is thinking of requesting a change to alternate status. Mark St. Pierre indicated that he might be submitting his letter of interest, but he also encounters frequent conflicts with his job. The board members agreed that there needs to be active recruitment for members, especially with 3 vacancies following Don Doolan's resignation. There is also an open clerk position. LUC Irving said that she would reach out to Pam Kathan regarding the clerk position. Vice Chair Jones said that she would follow up with Morgan Hill. Chairman Nadeau said that he would try to convince Tyler Rancourt to join. Mark St. Pierre commented that the difficulty finding volunteers is even reflective of what's happening in the workforce and society; people are generally not interested in investing their time for free. The discussion of recruitment for vacancies, filling officer positions, and seniority continued; no decisions were made.

Mark St. Pierre moved to adjourn the meeting at 1927H. Vickie Gibbs seconded the motion. All members voted to adjourn, no objections. *Motion passed.*

Respectfully submitted,

Robin L. Irving, Land Use Coordinator

Approved:

Andrew Nadeau, Chair