

LANCASTER ZONING BOARD OF ADJUSTMENT
July 28, 2021
6:30 PM

CALL TO ORDER:

The meeting was called to order at 6:30 p.m. by Chairman Rick Bernier.

ROLL CALL:

Regular Members Present: Rick Bernier, Steve Young, Tricia Frenette.

Regular Members Absent: Chris McVetty and Les Hilton.

Alternate Members Present: Linda Ogle and Don Freddette.

Alternate Members Absent: Nathan Kenison.

Others Attending: Rob Christie, Allen Bouthillier, Fire Chief Randy Flynn and Town Manager Ben Oleson.

Motion by Steve Young and seconded by Tricia Frenette to move Alternate Members Don Freddette and Linda Ogle up to full voting members for the night's meeting due to the absences of Regular Members Les Hilton and Chris McVetty. Motion carried.

PUBLIC HEARINGS:

Case #533 – Granite State Land Holdings, LLC & AB Aggregates for a Use Variance concerning article 5.04, "Unpermitted Uses in the Agricultural District". Owner and Applicant wish to place an asphalt mixing plant on property currently operating as a gravel storage and distribution facility. A portion of the proposed plant will be located in the Agricultural District with the rest being in the Commercial/Industrial District. A site plan has been conditionally approved by the Lancaster Planning Board. Land Zoned Commercial/Industrial and Agricultural. (Tax Map R01 Lot 021 (182.69 acres), Industrial Park Road).

Notices were sent to all known land abutters.

Allen Bouthillier was present to represent the request. He said receiving a use variance is a condition of his Planning Board approval. Mr. Bouthillier said that he has always assumed that all the land in the industrial park was zoned Commercial/Industrial. However it was never mapped that way. Mr. Bouthillier said there is a small strip that is zoned agricultural and a portion of the proposed asphalt mixing plant lies in that strip. Town Manager Ben Oleson said the most recent map shows it split between Commercial/Industrial and Agricultural.

Linda Ogle questioned what an asphalt plant is. Mr. Bouthillier said it produces tar for roads. He said the town will be able to purchase what they need locally. He said it will

not require a lot of water so should not affect the town water supply. It was noted that the reservoir at the top of the industrial park holds one-half of a million gallons.

Tricia Frenette asked how trucks will enter the facility. Mr. Bouthillier said through his existing entrance near his scales

Don Freddette asked how many trucks would be in and out per day. Mr. Bouthillier said the plant is expected to produce only 14 trucks worth of asphalt in any one day so that would be the limit. He said it will be a small plant.

Chairman Rick Bernier opened the meeting up for questions from abutters. There were no abutters present and no abutters had contacted Mr. Oleson.

Chairman Bernier asked if anyone from the public had questions. Rob Christie asked if there would be storage tanks on site for the petroleum products. Mr. Bouthillier said that there would be tanks and they are strictly permitted by the State of NH DES. He stated they need to receive an approved spill containment plan (SPCC) from DES as well as an air quality permit but there is no noticeable odor. He stated these facilities are very strictly regulated by the State.

Fire Chief Randy Flynn stated he had reached out to the State Fire Marshall's Office with questions and was told that these facilities have a lot of oversight by the State and shouldn't pose much of a problem to a local department.

Moved by Don Freddette and seconded by Tricia Frenette to approve the request based on the applicant's statement of reasons (attached to minutes) from the application. Motion carried.

Chairman Bernier advised of the 30 day appeal process.

APPROVAL OF MINUTES:

Moved by Steve Young and seconded by Linda Ogle to approve the minutes of the June 30, 2021 meeting as presented. Motion carried.

OTHER BUSINESS:

- Lancaster Conservation Commission's Natural Resources Inventory Public Presentation: Mr. Oleson explained the Lancaster Conservation Commission will be holding a public presentation of their Natural Resource Inventory on Monday, August 9, at 5:30 at the Welcome Center (press release attached to minutes). Members of the Board are invited and encouraged to attend. Mr. Oleson will email the full plan to Zoning Board members for reference.

Moved by Don Freddette and seconded by Tricia Frenette to adjourn the meeting. Motion carried.

Meeting adjourned at 6:44 p.m.

Respectfully submitted,

Jean E Oleson
Clerk

Approved:

Rick Bernier
Chairman

COPY

Statement of Reasons
Zoning Board of Adjustment
Lancaster, New Hampshire
Date: July 28, 2021

RE: Petition for a variance of: USE

Name of Applicant: Granite State Land Holdings, LLC & AB Aggregates, LLC
Property Location: Tax Map R01-Lot 021
Street Address: Industrial Park Road

After reviewing the petition and after hearing all of the evidence and by taking into consideration the personal knowledge of the property in question, the Lancaster Board of Adjustment has determined the following:

1. Granting the variance would not be contrary to the public **interest** because:

Only a very small section of the Agriculturally Zoned land will be utilized for the requested use. The majority of the supporting infrastructure is within the Commercial/Industrial District with the large majority of the over 182 acres not being used. The proposed location is also ideal because it will minimize or completely eliminate any sight impacts from public ROW's and consolidate traffic into the sight for all operations.

2. The **spirit** of the ordinance would be observed because:

This is one of a few parcels that are split by zoning districts and by allowing a section of the lot immediately adjacent to the Commercial/Industrial District to be used for the requested use the spirit of the Industrial Park intent will be met and respected.

3. Granting the variance would do substantial **justice** because:

It allows the property within and immediately adjacent to the Industrial Park to be utilized as it was intended. Other uses have been proposed for the agricultural section of the lot including a private prison that would not have even needed local land use approval and could have utilized all of the lands not zoned for that use. This very minimal and reasonable extension into the lot will be justified.

4. For the following reasons, the **values** of the surrounding properties would not be diminished:

The land to be used is currently part of a larger excavating and gravel distribution business. Traffic would not be adversely increased nor would noise or light. The plant requires permitting from the State of NH and every necessary safeguard will need to be adhered to.

5. Unnecessary Hardship

- A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:
- i. there is not a fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because:

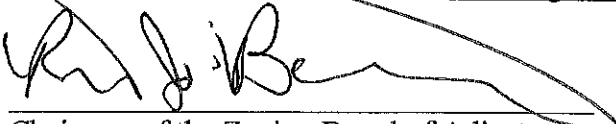
The majority of the other abutting lots have commercial and industrial uses including the State of NH DOT. The bisecting of this lot by zoning districts causes the land to not be reasonably used even though much of the necessary infrastructure and surrounding lands are in the Commercial/Industrial District and would allow this.

- ii. the proposed use is a reasonable one because:

Only a small portion of the agriculturally zoned land will be used. The remaining lands in that zoned district will not be used and allowing this slight expansion will keep the commercial/industrial uses consolidated and within the general area of the Industrial Park.

- B. The criteria in subparagraph (A) having not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it. The property cannot be used in strict conformance with the ordinance because:

Placement of the mixing plant in the proposed location is meant to minimize extra roadways and access points off Route 3. Placing it in a location that is completely within the Commercial/Industrial District would require additional impacts even beyond the current gravel operation. Relocating the plant would be a hardship for my current operations but also the public as it could create more traffic issues and sight impacts.


Chairman of the Zoning Board of Adjustment

07/29/2021
Date

Clerk

Date

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:

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