

**Ashland Zoning Board of Adjustment  
Draft Meeting Minutes  
Thursday, November 12, 2020**

CALL TO ORDER: David Toth, Chair of the Board, called the meeting to order at 6:30 PM. The meeting was conducted via Zoom video and teleconference.

MEMBERS PRESENT: Mardean Badger, Charlie Bozzello, David Toth, Alan Cilley (alternate)

OTHERS PRESENT: *Paula Hancock*, ZBA Secretary  
*Susan MacLeod*, Land Use Assistant  
*Eli Badger*  
*Daniel Lucchetti*, civil engineer HEB Engineers, agent for Centerstate LLC, owner of the property, and Brandon Hiltz of Brandon Hiltz Construction.  
*Susan Slack*, Planner, LRPC (Lakes Region Planning Commission).  
*Ryan Clouthier*, (Deputy Director, SNHS, Southern New Hampshire Services) (Common Man Commons).  
*Paul Killgren*, (Facilities Director SNHS) (Common Man Commons).  
*Regina Buteau*, Building Director, (Common Man Commons).  
*John Pierce* (Gunnar), (Director of Maintenance, Common Man Commons).  
*Donna Flanders* (Holderness).  
*Fran Taylor* (Holderness).

RIGHT TO KNOW LAW: Due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, this Board is authorized to meet electronically.

David Toth, Chair of the Board, appointed Alan Cilley as an alternate and a voting member of the Zoning Board of Adjustment for this meeting.

DISPOSITION OF MINUTES

Mardean Badger made a motion to approve the Thursday, October 8, 2020 minutes. Charlie Bozzello seconded the motion. The motion passed by a roll call vote of 4-0

CASE 2020-01 APPLICATION FOR SPECIAL EXCEPTION FOR PROPOSED GRAVEL  
PIT/QUARRY (T/M/L 004-002-002)

PUBLIC HEARING

David Toth, Chair of the Zoning Board of Adjustment opened the Public Hearing at 6:36 PM.

(David Toth) As we begin this meeting I would like to ask the applicant, Daniel Lucchetti, do you wish to proceed with a three or four-member board?

(Daniel Lucchetti) We will proceed with three or four. We are fine with what you have right now.

(David Toth) Tonight we are going to have a Public Hearing. Since this is a Zoom meeting and since

people are joining us, please give your name to Mardean Badger to be placed on the list to speak.

**I would like to call the Public Hearing to order at 6:36 PM. This is a Public Hearing on Ashland Zoning Board of Adjustment Case 2020-01 which is now in session.**

**We will be considering the application by Centerstate Acquisitions LLC to place a gravel pit/quarry at the end of West Street (T/M/L 004-002-002) in the Rural Residential Zone.**

Since we have so many people joining us, I would just like to give them some background. Rural Residential Zone provides for low to medium density living, open space, protection of environmentally sensitive areas such as wetlands and floodplains, and steep slopes. It allows the following uses: single and two family dwellings, multi-family dwellings with no more than six units per structure, cluster residential development, mobile home on individual lot, agricultural, forestry and farming uses and certain home occupations.

Zoning Regulations in Ashland allow the Zoning Board of Adjustment to allow Special Exception for other uses for land in the Rural Residential Zone areas under certain conditions. This is really important because the Zoning Board of Adjustment's decision is limited and focuses specifically on these criteria. These are the criteria we will need to evaluate either to approve or disapprove this Special Exception.

*[ZBA Criteria list on the screen]*

1. The specific site is an appropriate location for the intended use or structure?
2. The use will be compatible with neighboring land use?
3. The property values in the zone and the surrounding area will not be reduced by such a use
4. There will be no nuisance or serious hazard to vehicles and pedestrians
5. Adequate and appropriate facilities will be provided for the proper operation of the proposed use
6. The proposed use will comply with the minimum lot sizes, setbacks and frontage requirements set forth in Section 2.3 of the Zoning Ordinance.
7. Are existing roads and highways capable of carrying the additional traffic

I would ask and encourage those people who are speaking either in favor or in opposition to the project to focus your discussion as best you can on any of these, one of these or more of these as you make your case.

Our procedure will be as follows: First, we will hear from the applicant who is represented by Mr. Daniel Lucchetti. We will then hear from anyone supporting the project. I believe we don't have anyone here right now to speak in favor of the project. We will hear from those in opposition to the project. We will also entertain rebuttals from the applicant as well as those who are opposed to the project. The ZBA members may ask questions of the parties involved. I simply ask that you ask permission of the Chair before doing so. When the speakers have finished, the ZBA will then determine how we will proceed at that point.

Let us begin by hearing from the applicant.

*[Plot Plan on the screen]*

(Daniel Lucchetti): I am Daniel Lucchetti with the HEB Engineers out of North Conway. I am representing Centerstate Acquisitions LLC and Brandon Hiltz for the proposed gravel pit for use on (T/M/L 004-002-002) in Ashland, NH located at the end of West Street. The property is approximately

85 acres in size. It is located in the Rural Residential Zone District as well as a portion of the property is in the Municipal Wellhead Protection Area and in an aquifer.

As mentioned, the applicant is looking to develop a gravel pit/quarry more or less centered in the subject property utilizing West Street for access. A road would be constructed or a driveway from the end of West Street to the gravel pit area. The property was known to be used as a gravel pit during the construction of Interstate 93. As you can somewhat see on the lower left portion of the screen is a rounded contour and shows signs of excavation from Interstate 93. There are abutters and conservation land to the north. Abutters to the east consisting of residential land. To the south is a commercial district with commercial uses. To the west is Interstate 93.

The current condition of the site is a vacant lot fully wooded and underdeveloped. It is more or less undeveloped with a woods road on the property but not being used for anything. The proposed excavation is approximately 11.5 acres in size. There is no real design for the permitting of the excavation, it has not been completed yet as we are in the early phases of the project. We are seeking approval of this use on this property. This is showing the desired more or less end product of the applicant but has not been fully designed and permitting. It has not been reviewed by the DES or the Planning Board for approval.

They would be looking to excavate the existing hill more or less obviously centered on the property; stockpiles; storage areas; gravel, crushed stone, any type of aggregate product that can be sold at the quarry. As I mentioned nothing has been designed yet. All designing would have to adhere to the State's Excavation Regulations as well as the Town's excavation regulations and DES Alteration of Terrain Permit regulations. The Alteration of Terrain Permit will more or less cover the environmental aspects of it as far as runoff, pollution, dust control. I could go through the justifications for the project or open the hearing to questions.

(David Toth) Before you do that, could you explain what a boring pit is?

(Daniel Lucchetti) A boring pit is an area nearby where construction is going on which has suitable soils to be used whether it be sand or gravel or in some cases ledge and stone depending on what the intended use is. Basically just the simple quarry or excavation.

(David Toth) Just to be clear this area was used for the construction of I-93.

(Daniel Lucchetti) That is the understanding, yes. We couldn't track down any document or permits for it. But that is my understanding of how the property was used.

(David Toth) If you could go through your justifications now.

[see attachment, Applicant's criteria justification]

(Daniel Lucchetti) Daniel went through the justifications for the project listed below:

1. The specific site is appropriate for the intended use for structure. The parcel is a vacant wooded parcel previously used as a gravel pit in the construction of I-93. Evidence of the excavation is present in topography on the northern portion of the site that Mardean was highlighting earlier in the hearing. The subject parcel has a small portion of land that is actually in the commercial district and directly abuts the commercial district where there are obviously commercial uses in place. The proposed excavation area is centrally located on the property in attempts to negate any

disturbances from the abutting properties. As I mentioned, setbacks will come into play in the excavation where they can't more or less.

2. The compatible land uses: The neighboring land uses consist of commercial uses on West Street to the south; Interstate 93 to the west; conservation land to the north; and residential land to the east. These abutting parcels include the residential uses that already abut existing commercial uses; commercial zoning district on West Street and the proposed excavation will be an additional commercial use abutting the residential properties make it compatible with the abutting uses. There will be no nuisance or serious hazard to vehicles or pedestrians. Adequate internal roads would be provided for safe vehicular traffic and safety. Not many roads will be impacted as there would be a road one way in and one way out to a stockpile area on West Street. There will be a stockpile area on West Street. Pedestrian traffic would be limited on this property and will be limited to large trucks not very frequently visiting on site but for main traffic generation there.
3. As I mentioned vehicular traffic generated by the use is consistent with the use of people already utilizing West Street. The proposed excavation vehicular traffic will consist of the current use; the applicant's trucks actually utilize West Street daily to fuel up at the Irving Station on the corner.; although it is closer to the intersection than this property is, they are still utilizing the roadway.
4. The paved width of West Street is approximately 20'-25' wide and AASHTO [American Association of State Highway and Transportation Officials] which is an engineering guideline for roadway design recommends a 12' lane width for large commercial vehicles traveling in opposite directions. With this we have sufficient road width and space based on their guidelines to provide a safe road for commercial trucks.
5. Adequate and appropriate facilities will be provided for the proper operation of the proposed use. As mentioned, the proposed excavation is required to be at a minimum NH RSA:155-E, and local Excavation Regulations which outlines the proper regulations of use. It will adhere to any Planning Board regulations that they have as well. We have not crossed that bridge yet, but we would adhere to them as well.
6. The proposed use will comply with the minimum lot size, and frontage and setback requirements. There is no subdivision or boundary line adjustment on the property. We will be meeting minimum lot size, frontage and setback requirements.
7. Is the existing road and highways capable of carrying the anticipated additional traffic? There is minimal additional traffic anticipated use. The applicant's vehicles utilize West Street to begin with and would have a few additional trips per day on this road to the subject property. West Street already supports large vehicles for the lumber yard, fast food, hotel, residential housing complex and self-storage facility. As previously mentioned, West Street is 25' wide whereas AASHTO guidelines for highways recommend 12' in width for large commercial vehicles traveling in opposite directions so there is sufficient width for this traffic on West Street.

(David Toth) Do any members of the ZBA have questions on any of these items?

(Charlie Bozzello) Mr. Lucchetti, I have some questions. Can you describe the actual process that will be conducted and give some sense of the volume of it; how many vehicles or trucks a day, a week? What is going to happen there in terms of the extraction process? Can you talk about that a little bit?

(Daniel Lucchetti) So the extraction, the mining process you can call it, would be a blend of just extraction with machinery and depending on what the soil condition is potentially some blasting of ledge. These are all things we don't know yet because we haven't got that part of the design. But it would be a mix of excavation with excavation and blasting potentially if needed.

(Charlie Bozzello) What product would you like to create?

(Daniel Lucchetti) It would be various aggregate products from sand to road gravels to rip rap, loam, any sort of earth material that could be sold that is generated from the property could be for sale at the property.

(Charlie Bozzello) Will there be any finishing activities such as washing of aggregates or crushing of stone?

(Daniel Lucchetti) There would be crushing of stone activities. Washing is a potential as well. It has not been determined if that is a desired product that the applicant wants to sell, but crushing would be anticipated for the larger aggregate that needs to be crushed down for road material and road bases, things of that nature.

(Charlie Bozzello) And what kind of volume do you project in your business plan? How much do you need to sell to make this viable?

(Daniel Lucchetti) I don't know that answer. I don't believe it has been calculated yet. I could refer to our client on that and provide more information at a later date but I don't know the financial breakdown of the project.

(Charlie Bozzello) Just a sense of how many trucks a day, a week, a month will be traveling down West Street? The number of loads? That would be helpful.

(Daniel Lucchetti) The loads would be obviously in requirement with whatever roads they need to travel on as West Street is. They would need to abide by the road. The number of trips per day, I would say, varies. I would say an additional probably, between 5 and 20 trips a day, depending on where the trucks are hauling to. Obviously the proximity to the pit to the job site depends unknown at this point.

(Charlie Bozzello) Thank you Mr. Lucchetti.

(David Toth) Anyone else?

(David Toth) There are some questions I would like to ask. Obviously the land has been used for something like this purpose in the past. Have you done any further studies to determine how much sand or how much ledge is up there and if the land is really going to be appropriate for your intended use?

(Daniel Lucchetti) That exploration has not been done yet. It is an expense the applicant isn't willing to take yet. At this point there is no design. We have no permit for this property yet. But I believe borings will be completed to determine what material, to figure out what can be produced with it.

(David Toth) In terms of property values, you say the property values will not be negatively affected. Do you have any expert testimony for that?

(Daniel Lucchetti) We do not. We could consult with an appraiser if desired to complete the study.

(David Toth) Okay. Just to make something clear, you've already made it clear that the rural residential zone here does abut the commercial zone and you've already discussed the fact that there are a number

of businesses along West Street and include the Irving Station, Ashland Lumber, hotel, the storage facility, Burger King etc. I just want to make it clear to people that those businesses are not in the rural residential zone. The proposed gravel pit, however, will or would be in the rural residential zone. Just so everyone understands that. In terms of the traffic -- The traffic with the heavy trucks exists mostly at the southern end of West Street and I am assuming going to Ashland Lumber or the Irving Station. Very little of that traffic of heavy vehicles actually goes up West Street. Is that correct?

(Daniel Lucchetti) Yes. That is my understanding as well.

(Daniel Lucchetti) I am here for questions now.

(Mardean Badger) I have a few questions. What would you be constructing in regards to a road to access the excavation area that you propose? How would you be getting there?

(Daniel Lucchetti) The road would probably be 25' - 30' wide gravel road that more or less parallels I-93 on the west side of the property trying to hug the western slope. From the plan, it is a mountain or massive hill right now. So we would side hill on the western part of the property. Some excavation would be needed to construct the road. That is the conceptual intent of the driveway to the property or road.

(Mardean Badger) How wide did you say it would be?

(Daniel Lucchetti) I would say 24' - 30' probably.

(David Toth) Enough for two trucks to pass?

(Daniel Lucchetti) Yes.

(Alan Cilley) I think the only question I have which we just talked about is the access road that is running parallel to I-93. How deep will that cut into the side hill?

(Daniel Lucchetti) Unknown at this point. We haven't gotten into the design of it yet. I don't know what it would be, but whatever they would end up being would be stabilized with either vegetation or a rip rap material. Something that prevents erosion in downhill areas.

(Alan Cilley) I am very familiar with that area. I believe that it would be a substantial cut in depth probably 25' - 30'. That is just my opinion.

(Daniel Lucchetti) I wouldn't disagree looking at it on the plan now, but I can't say for certain what it would be. We haven't gotten that far yet.

(David Toth) Any other questions from the Board?

(David Toth) I am assuming there is no one to speak in favor of the project? Is that correct?

(Mardean Badger) I do not believe so.

(David Toth) In that case I believe we have three or four people to speak in opposition to the project?

(Mardean Badger) We have Ryan Clouthier and Paul Killgren both from Southern NH Services (SNHS). Susan Slack is here from Lakes Region Planning Commission (LRPC). She may have some comments. I don't know which direction. But she may have some general comments. Those are the only ones I know at the moment.

(David Toth) Lakes Region Planning Commission (LRPC) was consulted about regional impact so maybe we could begin by hearing from Susan Slack.

(Susan Slack) Lakes Region Planning Commission (LRPC) was notified that the ZBA deemed this application to be one that has potential regional impact. As you may know, there is a State law that lists six factors that could affect whether development may have regional impact. I think there are at least two of those six factors that are particularly raised by this application. One would be transportation networks and the other would be proximity to aquifers and surface waters. So for transportation networks the intersection of West Street and Rte. 3 depending on how much large traffic there is. There could be some impact there at the intersection and also I would note that closely adjacent to the intersection is the northbound entrance ramp on I-93. So you know some idea of what the traffic impacts might be right there would be important to us. The other is obviously the proximity to aquifers, so I think having some idea of where the groundwater resource is in relation to the excavation would be important. Just note that the town's wellhead protection area is nearby. I believe that is a water resource for both Ashland and Bridgewater, is that right?

*[see attachment, Letter, LRPC]*

*[Diagram of aquifer and wellhead protection area on the screen]*

(Mardean Badger) Yes it is. I can show that diagram. This is what we are talking about. This red area is our wellhead protection area that comes across. Up here this slightly shaded blue area is part of the aquifer that extends across into Bridgewater, across the river and probably extends further up the river also. This is, I believe, the second largest aquifer in the State.

(Susan Slack) So noting those as being regionally important. The aquifer provides drinking water resource to private wells, private property, as well as the town's wellhead protection area. Those are important regional natural resources. It is not Lakes Regional Planning Commission's position to take a position for or against a particular application but to point out what some of the regional implications could be. I would note that in both the Alteration of Terrain Permit process as well as the Planning Board process under RSA 155-E and Site Plan Regulations and your own local excavation regulations that the practices used and their impact on the aquifer would come into play. There are best practices that DES may require; there may be depth of excavation limits, those type of things. So the ZBA needs to determine, you are in a difficult position because you have to determine if this is an appropriate location for this use, but you're only deciding whether the use is permitted or not. If you decide it is permitted, then the Planning Board and DES will determine how that use can be conducted. So knowing where those natural resources are is really important and how the use would be conducted.

(David Toth) Daniel, as far as you know, will the gravel pit cross the aquifer line or the wellhead protection area?

(Daniel Lucchetti) I don't know for sure yet, but the location shown on the plan is more or less selected to be outside of the wellhead protection area and groundwater protection area. So the intent of it was to be outside areas. I haven't proposed a plan that overlays this plan with our Site Plan. So I can't say for

sure but the attempt was to locate it outside of both of those boundaries.

(Mardean Badger) One question I have is, as you're conducting your operation in that area, what measures would you use to prevent any fuel or any hazardous substance or regulated substance from leaking into the ground and impacting either the aquifer or the wellhead protection area?

(Daniel Lucchetti) There would be an inspection maintenance manual that would come along as a requirement for the DES Alteration of Terrain Permit which outlines confirming vehicles and equipment are not leaking contaminants into the ground if there is any fuel storage on the site. If there were to be, that would need to be permitted by DES as well as they would have regulations to enforce and make sure there is no pollution of groundwater from hazardous materials, fuel of that sort. The Alteration of Terrain permit would require drainage measures to insure that there is no increase in runoff offsite onto abutting properties that would cause damage there. So the drainage aspect would be managed through AOT (Alteration of Terrain Permit) as well.

(Susan Slack) What about the washing of stone? And where would that drain? How would that drain and how would that be monitored? What are the best practices for that operation?

(Daniel Lucchetti) It would probably be a large detention pond that would be used to recycle the water. So the intent of that is that the water that is being used to wash the stone, if that is a desired use on the property, would obviously be using the equipment, washing the stones and then flowing the water into the detention pond where the sediments can fall out and remain on the property. Then the water would be continuously used for the washing of aggregates. So as not to drill a well and go elsewhere, the pond would be a multi-functional use on the property.

(Mardean Badger) Just as a point of interest, the town well is just on the other side of 93 and approximately in this area. [indicates the location of the wellhead for the whole town].

(David Toth) One thing that I might point out, since I was a Water and Sewer Commissioner and so was Alan Cilley at one point, is that the aquifer itself consists of a lot of sand and stones. We have an existing problem with salt coming off I-93 after the road has been salted and plowed. Some of our testing has shown that there is almost an immediate impact increase in the sodium chlorate content of the water right after salting, which sort of indicates how porous that land actually is. So it is much more delicate than people realize. And that's something we also have to keep in mind as we look at this project.

(Mardean Badger) I think it is also interesting and important to note that the site being considered for excavation is probably up at a level probably of the north bound side of I-93. The southbound side of I-93 is a little bit lower. The well of the town is a bit lower than that and then the river is lower than that. So from the excavation site it all pretty much slopes down towards the river.

(David Toth) The aquifer itself is V-shaped. So it is probably where the well is its deepest. Just to give people an idea of what that might look like.

(Susan Slack) I have just one question, the access road into the excavation site -- does that go through the wellhead protection area?

(Daniel Lucchetti) I think it would.

(David Toth) It looks like it would.



(Susan Slack) Would that be a dirt road? A paved road?

(Mardean Badger) The boundary of the property would be part of that road. Yes, this first part, a good share of the length of that road, would go through the wellhead protection area in order to get to the area here.

(Daniel Lucchetti) From this plan here it would cross the boundary.

(Susan Slack) Would that be enough land disturbance part of the Alteration of Terrain review?

(Daniel Lucchetti) Yes, any improvements, disturbances for this project would be reviewed by DES and the Alteration Terrain Permit. Yes.

(Mardean Badger) Speaking of I-93, obviously one of the abutters is the State of NH Interstate 93, so they were also notified. We did receive a letter from Michael Kimball who is an Access Utilities Technician with DOT. He is not here tonight, but I would like to read their brief letter into the proceedings of this meeting.

*Dear Board Members:*

*The NH Department of Transportation provides the following testimony in response to the above request.*

*The NH Department of Transportation remains neutral for the request to construct a gravel pit/quarry on land owned by Center State LLC for Brandon Hiltz Construction, Inc. provided that the property have no increase in water runoff flowing into the Department's right of way provided there is no alteration or construction within the Department's right of way and provided that if necessary permits and a driveway permit or excavation permits are obtained from the Department. Additionally, the NH Department of Transportation requires that any excavation for the gravel pit/quarry is at the appropriate setback distance from the wire right of way fence and all slopes must be constructed so the grade tips away from the Interstate and all State of NH owned land. Thank you for your consideration.*

*Sincerely,  
Michael F. Kimball  
Access and Utilities Technician  
State of NH DOT*

*[See attachment, Letter, NH DOT]*

(David Toth) I would like to hear from Ryan and Paul. Since you are both speaking for the same facility do you want to speak together or rather speak separately?

(Ryan Clouthier) I think I can speak on behalf of both of us. Thank you Mr. Chairman and the Committee for allowing us to be here. I am simply going to read the written testimony I plan to submit electronically.

*My name is Ryan Clouthier. I am the Vice Chairman of the Southern NH Services (SNHS)*

*Management Corporation and I am writing this letter.*

*I am writing this to voice Southern NH Services is in sincere opposition to the application for the Special Exception as proposed by Center State LLC.*

*Southern NH Services is the owner of Common Man Commons, a 28-unit elderly housing complex located at 48 West Street in Ashland, NH. Common Man Commons is a direct abutter to the proposed site. When Southern NH Services recognized the need to provide affordable housing to the elderly citizens of the town of Ashland we were excited to find the location at 48 West Street knowing it was a rural area that allowed us to provide a quiet enjoyable lifestyle for a minimum of 28 Ashland residents. Residents who have supported their community for decades and will continue to support the community in the future. Ashland is a peaceful rural community with the community spread out over unique forested hills and valleys. It is a place where people can escape the noise and business of the city and relax in the tranquility of the town they call home.*

*When Southern NH Services started construction in 2006 we made a significant investment in maintaining the rural lifestyle in which we would like the elderly to continue to enjoy. A gravel pit/quarry right in the heart of the community would be devastating and ruin the quality of life we and our tenants enjoy so much. I respectfully ask that you hear our concerns and take into careful consideration the enormous negative impact such an operation would have on the community and the environment in which we live.*

*Our first concern is traffic and public safety. There is only one access in and out of West Street and there is a narrow road with very little room on the shoulder. Many of our elderly residents use this road to get their daily exercise. Increasing traffic on the street especially with large trucks with limited visibility would only increase the risk to those elderly walking and driving around their home. With the addition of ledge blasting and produce being extracted it would mean multiple dump truck or large trucks per day traveling down the same road causing congestion, pollution, wear and tear on the roads and the greater potential for accidents. Many of our residents open windows and spend their time outside enjoying the fresh air. Multiple trips a day appear to match the gravel trucks lumbering by with dust and debris would be a nuisance to the quiet and enjoyable lifestyle we are trying to maintain.*

*Our second concern is noise, dust and pollution. Ashland is unique in its topography with many mountains and valleys. The proposed gravel/quarry is located directly next to the Common Man Commons. The noise, dust and pollution created by this proposal would adversely affect the entire community. As winds travel through the valleys of Ashland every day. As Southern NH Services has constructed the roof of our building to utilize high winds shingles based on these high winds that come through this area almost daily. One can only imagine what the decibel level would be and increased debris would be if this gravel pit was allowed to operate in such proximity of our residential property.*

*Our third concern is environmental. The applicant proposes to excavate ledge within this area. We believe that there is a substantial amount of ledge in the area including where our site is. The consequences of blasting and ongoing vibration in this area would affect our residents substantially. Water always follows the path of least resistance and every single or multiple successive development and/or site alteration could have an irreversible and negative impact the community, wells and important wetlands. Not to mention the impact on the structural integrity of nearby buildings.*

*In closing I would like to say the comments listed above are only a few of the concerns Southern NH Services has relating to proposed gravel pit/quarry. As I said, I am sure we will walk away tonight with more questions and concerns but the overarching issue the fact that we will be taking a residential area in a quiet peaceful community and making it a commercial area to the point of making it potentially unlivable.*

*This decision is one that can destroy the lifestyle of multiple elderly Ashland residents who have devoted their lives to making Ashland the great community. As we age things actually become more difficult. However, having a quiet enjoyable lifestyle in the community we support and love should not be one of those difficulties especially when we can control the outcome.*

*Southern NH Services has worked extremely hard to insure we found the best possible rural residential zone for Ashland residents. We respectfully ask the ZBA to consider this when making their decision. I thank you for taking the time to hear our concerns and hope you will take them into consideration while making your decision about the future of our community. Thank you very much.*

*Sincerely,  
Ryan Clouthier.*

*[see attachment, Letter, SNHS]*

(David Toth) Mardean, do we have the address for Ryan and others to send his/their comments? Yes, you could **email it to the Zoning Board email address: [landusezba@ashland.nh.gov](mailto:landusezba@ashland.nh.gov). Or mail to the Ashland Town Office, PO Box 517, Ashland, NH 03217.**

(Ryan Clouthier) I will submit it electronically tonight.

(David Toth) At this time I want to ask Daniel if he has any rebuttal?

(Daniel Lucchetti) I would say they are all valid points in respect to dust, noise, nuisance, all those items you have listed. The intent is to shelter the nuisance to the other side of the excavation, the intent isn't to have the excavation and extraction and crushing process directly abutting any property. The intent is to try to shelter it to limit the dust and noise and pollution. Obviously there are requirements as I mentioned from DES in that process that control and restrict how the operation needs to proceed. For all the reasons listed, previously mentioned, the water runoff, drainage, wind, all of those things are things that would be considered and reviewed by DES in the permitting process.

(David Toth) Ryan, do you have anything further to add?

(Ryan Clouthier) Not at this time.

(Mardean Badger) Fran Taylor has joined us. She has texted some questions. Some of the questions Fran had are: Where are the steep slopes? Will this be obvious to Rte. 93? She was concerned about how the dust will be dealt with in relation to the nearby commercial areas?

(Daniel Lucchetti) As mentioned, the steep slopes, the intent is to mark them essentially in the property; that is not a permitted design. Nothing has been approved by the State. It has not been fully designed yet,

but more or less centrally located. Would they be visible from Rte. 93? Obvious from I-93? I can't say for sure because we have not determined where the cuts will be. There would be a buffer as mentioned that remain intact at DOT's wire fence line as well as the property's setbacks. That would remain in a wooded state. With a clear cut of the property, those buffers would stay intact. Just as previously mentioned would be something that would be covered in DES's Alteration of Terrain Permit, more specifically in the inspection maintenance manual portion of it which more or less governs how the operation needs to function.

[Daniel Lucchetti describes the steepest areas, the slopes on the property] The steepest existing slopes are in the southwest corner closer toward West Street. The dashed lines on the plan are contour lines. The closer the lines are together the steeper and more intense the slope is. There are steeper slopes on the northern part of the property as well which are existing and then in the middle of the screen, where there are continuous lines, that is where the proposed excavation would be. That location, nothing has been designed yet.

Where we are proposing you'll see the oval shaped contours in between the proposed excavation and the existing slope. Further, we are not proposing to knock down an entire mountain level of property. That would be there as a buffer and screening area, so all the operations would be at a lower elevation and have that natural excavation wall landscape on the top of the mountain to screen buffer from the other uses.

(David Toth) It looks like the mountain is about 900'. The property is really at about 600' to 650'.

(Daniel Lucchetti) Yes. You see the 570 contour down to the left. The crushing and stockpiling will be done at the 570 elevation and the property climbs to 830'. So several hundred feet of vertical buffer from where the bulk of the excavation is happening.

(David Toth) Fran asked about visibility from 93, but I think there is. I think we need to discuss visibility in general. This is not going to be visible from West Street, is that correct?

(Daniel) Correct. From West Street, the access road and driveway will obviously be visible but the excavation itself would be shielded by the existing terrain.

(David Toth) What about the visibility of the road and project from I-93. Do we think the road will be visible from I-93?

(Daniel Lucchetti) I think the road has potential to be visible from I-93, yes. None of the design has been completed yet so I can't say with certainty, but my gut instinct is that the road would be visible from I-93. I apologize for not supplying definitive answers.

(David Toth) Will the excavation itself be visible from I-93?

(Daniel) I am going to refer back to the same previous question, answer and comment. It may well could be, but there has been no confirmation of elevation to where the excavation limits would be to say for certain, but definitely a possibility.

(David Toth) Now up behind us to the east that is where Whitten Woods is.

(Mardean Badger) Whitten Woods on the north side and the property owned by the Gliddens.

(David Toth) Is the excavation going to be visible from either of those properties?

(Daniel Lucchetti) It very well could be, yes. Given the setbacks, to adhere to the local setbacks where work can and can't be completed, without knowing the full topography of Whitten Woods and the abutting properties. What the visual sight lines are and what the proposed excavation is I can't say for sure.

(Mardean Badger) The map [of Whitten Woods] shows the upper portion of the property being considered. The excavation is further down. [indicates on the map where Whitten Woods is, the trails and the viewpoints.] Whitten Woods is owned by the New England Forestry Foundation. Squam Lakes Conservation Society has the conservation easement here. Squam Lakes Association manages the trails. The other piece of conservation property, the Glidden's property, is privately owned by the Glidden family, but it is also under conservation easement with the Squam Lakes Conservation Society. If we were to extend the [Whitten Woods] map down, the excavation area would be shown.

(David Toth) Is it possible to see it from the south peak? I doubt if you could see it from the north side. Any visibility would be from the south peak.

(Mardean Badger) I have one question. Have you done or accessed any traffic studies yet for West Street and the intersection with Rte. 3 and 25 and on to I-93?

(Daniel Lucchetti) No.

(Mardean Badger) Susan Slack made reference to it. It is a very busy intersection. There are several driveways and roadways coming very close together there. A lot of traffic in and out of West Street all year long. So I think maybe you might look into some sort of traffic study, some data for that area.

(David Toth) I agree with you, Mardean. That is a surprisingly busy intersection and can actually get tied up in there even with the use we have now especially in the summer.

(Mardean Badger) We had submitted a proposal to add a sidewalk up West Street, which we were not able to get, but we did look at some traffic figures for that West Street/Rte. 3 intersection and then I-93 and they were very high. We wanted to put a sidewalk up because we have a lot of people walking along there among all that traffic, so it was a concern.

(Mardean Badger) If anyone wants to submit any written testimony they can email it to **landusezba@ashland.nh.gov**, that will go directly to the ZBA.

(David Toth) If there are no others? At this time, I think the Board needs to figure out how it wants to proceed at this time. I am going to propose that we continue the Public Hearing to our next meeting on Thursday, December 10, 2020. The one reason I would like to do that is that we are conducting a Zoom meeting. I have been trying to take notes while conducting this meeting. One of my responsibilities as Chair is to summarize all the facts in the case, which I am not able to do at the moment. It would take some time to pull it together and I would like to see a draft of the minutes along with my notes so I can put together a decent summary. That would also give people who might have had trouble a chance to submit questions and concerns which we could take up at the continuation of the meeting.

(Mardean Badger) I would agree with that. We do have Southern NH Services who read their testimony. It would be helpful to read that when we get it in the email. I expected another organization to be here

and submit testimony. I think they will. That would give us a chance to review the minutes, the videos, review any written testimony we get. So I would support that, too.

(David Toth) I would entertain a motion to that affect.

(Mardean Badger) **I will make a motion to continue the hearing to the next ZBA meeting which is on Thursday, December 10, 2020. It would be at 6:30 PM and we would be conducting it by Zoom.**  
As soon as this meeting is over we will get this information out.

(David Toth) **David seconds the motion. All those in favor: Mardean Badger yes; Charlie Bozzello yes; Alan Cilley yes; David Toth yes.**

(Charlie Bozzello) I won't oppose it. I've heard a complete Public Hearing. I have no opposition to extending the meeting further.

(Alan Cilley) I have no objection.

#### NEXT MEETING

The next meeting of the Ashland Zoning Board will be Thursday, December 10, 2020 at 6:30 PM.

#### ADJOURNMENT

David Toth made a motion to adjourn. The motion was seconded. The motion passed. The meeting adjourned at 7:50 PM.

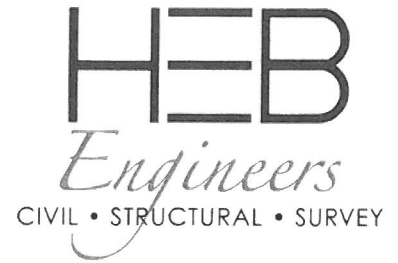
*Minutes submitted by Paula Hancock*

#### ***Attachments:***

- ***Applicant's Justification for Special Exception Criteria, Application, Section 5***
- ***Testimony Letter: NH Department of Transportation, Michael S. Kimball, October 1, 2020***
- ***Testimony Letter: Lakes Region Planning Commission (LRPC), Development of Regional Impact, Susan Slack, November 12, 2020***
- ***Testimony Letter: Southern New Hampshire Services Management Corporation (SNHS), Ryan Clouthier, November 12, 2020***

September 17, 2020

Town of Ashland  
PO Box 517  
Ashland, NH 03217



**Re: Proposed Gravel Pit / Quarry, Ashland, NH  
Tax Map 4, Block 2, Lot 2  
ZBA Application Justification for Special Exception  
HEB Project #2020-071**

To Whom it May Concern:

On behalf of Brandon Hiltz, HEB Engineers, Inc. (HEB) is applying for a Special Exception through the Zoning Board of Adjustment for Tax Lot 004-002-002 on West Street in Ashland, NH. The following are the special exception justifications.

- 1) The specific site is an appropriate location for the intended use or structure.

**Justification:** The subject parcel is a vacant wooded parcel that was previously used as a borrow pit during the construction of Route 93. Evidence of excavation is present in the topography on the northern portion of the site. The subject parcel has a small portion of land that is within the Commercial District. Further, the site is accessed via West Street, which is part of the Commercial District. The proposed excavation area is centrally located in the property and will meet all setback requirements.

- 2) The use will be compatible with neighboring land uses.

**Justification:** Neighboring land uses consist of commercial uses on West Street to the south, Interstate 93 to the west, conservation land to the north, and residential land to the east. These abutting parcels, including the residential uses, already abut existing commercial uses in the Commercial Zoning District on West Street. The proposed commercial excavation would be an additional commercial abutting use to these residential properties, making it compatible with the neighboring land uses.

- 3) The property values in the zone and in the surrounding area will not be reduced by such a use.

**Justification:** The property values in the surrounding area will not be reduced by such use, as the abutting properties already abut existing commercial uses. The proposed excavation will also be largely contained on the northern portion of the property and will meet all setback and buffer requirements as to not reduce property values in the zone and surrounding area.

- 4) There will be no nuisance or serious hazard to vehicles or pedestrians.

**Justification:** Adequate internal roads will be provided for safe vehicular traffic as well as pedestrian safety. Pedestrian traffic will be very limited for this use, as it will consist largely of vehicular traffic. Vehicular traffic generated by the proposed use is consistent with the use of vehicles already utilizing West Street. The proposed excavation vehicular traffic will be consistent with the current use of West Street; therefore, not creating a hazard to vehicles or pedestrians utilizing West Street. The paved width of West Street is approximately 25 feet. AASHTO Geometric Design of Highways and Streets recommends a 12-foot wide lane width for large commercial vehicles traveling in opposite directions. The recommendation of 12-foot wide travel lanes would mean that the existing width of approximately 25 feet would provide sufficient width for large commercial truck use.

- 5) Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

**Justification:** The proposed excavation will be required to meet, at a minimum, New Hampshire RSA 155-E, Local Regulation Excavations, which outlines proper operation and use.

- 6) The proposed use will comply with the minimum lot sizes, frontage, and set back requirements.

**Justification:** The proposed use will meet minimum lot size, frontage, and set back requirements.

- 7) Existing road and highways are capable of carrying the additional traffic.

**Justification:** There is minimal additional traffic anticipated with this use. The applicant's vehicles utilize West Street daily for fueling and would only contribute a few additional trips per day to West Street with the excavation use. West Street already supports larger commercial uses, such as a lumber yard, fast food restaurant, hotel, residential housing complex, and self-storage facility. The paved width of West Street is approximately 25 feet. AASHTO Geometric Design of Highways and Streets recommends a 12-foot wide lane width for large commercial vehicles traveling in opposite directions. The recommendation of 12-foot wide travel lanes would mean that the existing width of approximately 25 feet would provide sufficient width for large commercial truck use.

If you have any questions or would like to discuss this matter further, please do not hesitate to contact me.

Sincerely,  
HEB Engineers, Inc.



Daniel R. Lucchetti, EIT  
Staff Civil Engineer

Copy: Brandon Hiltz  
Centerstate Acquisitions LLC  
File

P:\Jobs\2020\2020-071 B. Hiltz - Proposed Gravel Pit-Quarry, Ashland, NH\Permitting\Town of Ashland Special Exception Permit Application\Correspondence\Ltr ToA Spec Exception Justification 09-17-20.docx





**THE STATE OF NEW HAMPSHIRE**  
**DEPARTMENT OF TRANSPORTATION**



**Victoria F. Sheehan**  
**Commissioner**

**William Cass, P.E.**  
**Assistant Commissioner**

October 1, 2020

Ashland Zoning Board of Adjustment  
P.O. Box 517  
Ashland, NH 03217

Re: Abutter Notification for Centerstate, LLC, Tax Map & Lot 004-002-002, "Proposed Gravel Pit/Quarry for Brandon Hiltz Construction Inc."

Dear Board Members:

The New Hampshire Department of Transportation provides the following testimony in response to the above request:

The New Hampshire Department of Transportation remains neutral toward the request to construct a gravel pit/quarry on land owned by Centerstate, LLC for Brandon Hiltz Construction Inc., provided that the property have no increase in water runoff flowing into the Department's Right of Way, provided there is no alteration or construction within the Department's Right of Way and provided that if necessary, any driveway permits and or excavation permits are obtained from the Department.

Additionally, The New Hampshire Department of Transportation requires that any excavation for the gravel pit/quarry is at the appropriate setback distance from the wire right-of-way fence and all slopes must be constructed so that the grade tips away from the interstate and all State of New Hampshire owned land.

Thank you for your consideration.

Sincerely:

Michael S. Kimball  
Access & Utilities Technician

cc: Centerstate, LLC, Brandon Hiltz Construction Inc., HEB Engineers, Town file

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## LAKES REGION PLANNING COMMISSION

103 Main Street, Suite #3  
Meredith, NH 03253  
Tel 603-279-8171  
Fax 603-279-0200  
www.lakesrpc.org



**To: Ashland Zoning Board of Adjustment**

**From:** Susan Slack, Principal Planner

**Date:** November 12, 2020

**Re: Centerstate Acquisitions LLC Special Exception Application (Gravel Pit/Quarry)  
Development of Regional Impact**

Location: West Street

Tax Lots: Map 4, Block 2, Lot 2

The Lakes Region Planning Commission provides these comments in response to a request, under RSA 36:54-:58 (Developments of Regional Impact), from the Ashland Zoning Board of Adjustment, which is considering an application for a special exception for a gravel pit and quarry operation in the Rural Residential zoning district. A portion of the property is located in the Commercial zoning district, including the access to the property from West Street.

Comments are based on LRPC's review of:

- Centerstate's Application for Special Exception
- Centerstate's Proposed Schematic
- Draft Minutes of Ashland Zoning Board of Adjustment meeting of October 8, 2020
- Ashland Zoning Ordinance

The applicant proposes an earth excavation operation, including crushing stone, on the 89.19-acre parcel. Excavation is proposed in the northern portion of the property, which is wooded and exhibits signs of previous excavation during construction of Interstate 93. Agricultural and forestry uses are among those expressly permitted in the Rural Residential zoning district, but there is no mention of excavation as a permitted use. However, Section 6.3.1 of the Ashland Zoning Ordinance states that any use not permitted by a specific zoning article may be permitted by special exception. The proposed use must meet all seven of the special exception criteria listed in Section 6.3.1.

In addition, the ZBA can consider imposing addition standards listed in Section 6.3.1 as a way of protecting surrounding properties from the effects of the proposed use. Noise issues may be mitigated by conditions on hours of operation and additional buffers from abutting property. The adequacy of the access to the project property from West Street may also be addressed through additional relevant conditions of approval.

## **Development of Regional Impact Factors**

At least three of the six factors indicating the potential for regional impact, as defined in RSA 36:55, raise important considerations for the Ashland ZBA in reviewing the Centerstate application:

1. “Transportation networks.” The Centerstate parcel has frontage on West Street in the town’s Commercial zoning district. West Street connects directly to Route 3, a major regional corridor. The impacts of heavy truck traffic and related safety issues should be determined. The applicant notes that West Street, with its 12-foot travel lanes and 25-foot paved width, meets AASHTO guidelines for use by large commercial vehicles. The intersection of Route 3 and West Street is adjacent to the I-93 northbound entrance ramp. A traffic analysis should determine the impact on traffic safety of large vehicles hauling sand or gravel on this segment of Route 3.
2. “Anticipated emissions such as light, noise, smoke, odors, or particles.” The issues associated with gravel and stone excavation in proximity to neighboring municipalities can raise regional concerns about the impacts of dust particles as well as noise and vibration. However, it is noted that Interstate 93, to the west of the proposed gravel pit/quarry, separates the property from the municipal boundary with Bridgewater. More immediate concerns may be the impact of dust and noise on nearby residential uses in Ashland.
3. “Proximity to aquifers or surface waters which transcend municipal boundaries.” As the ZBA noted at its October 8, 2020 meeting, when determining the possibility of regional impact caused by the proposed gravel pit/quarry, the proposed site overlaps the town’s wellhead protection area on the south and large aquifer to the north. In determining whether the site is an appropriate location for the intended use and therefore qualifies for a special exception, the applicant should address the location of aquifers and wellhead protection areas and their proximity to the area that will be disturbed by the proposed excavation.

It should be noted that the ZBA’s jurisdiction relates to whether the proposed use of the property is appropriate and meets the special exception requirements as stated in the zoning ordinance. If a special exception is granted, the applicant must still obtain an excavation permit from the Planning Board under RSA 155-E as well as a site plan permit. Further review of excavation practices and their impact on groundwater resources is appropriate at that time. These issues will also be reviewed by the NH Department of Environmental Services in determining whether an alteration of terrain permit will be issued.

# Southern New Hampshire Services Management Corporation

Mailing Address: PO Box 5040, Manchester, NH 03108  
40 Pine Street, Manchester, NH 03103  
Telephone: (603) 668-8010 Fax: (603) 645-6734  
www.SNHS.org

**Chairman**

Donnalee Lozeau

November 12, 2020

**Vice-Chairman**

Ryan Clouthier

The Ashland Zoning Board of Adjustment  
Town of Ashland

**Treasurer**

Cara Aliberti

P.O. Box 517 – 20 Highland street  
Ashland, NH 03217

**Secretary**

Gregory Schneider

**Trustee**

Catherine Dunfey

**Re: Application for a Zoning Board of Adjustment grant of a special exception for a proposed gravel pit/quarry in the Rural Residential Zone.**

Dear Zoning Board,

I am writing this letter to voice Southern New Hampshire Services (SNHS) sincere opposition to the application for a special exception as proposed by Centerstate LLC. SNHS is the owner of The Common Man Commons, a 28-unit income eligible, elderly housing complex located at 48 West Street in Ashland, NH. The Common Man Commons is a direct abutter to the proposed site.

When SNHS recognized the need to provide affordable housing to elderly citizens in the town of Ashland, we were excited to find the location of 48 West Street knowing it was in a rural area that allowed us to provide a quiet, enjoyable lifestyle to a minimum of 28 Ashland residents; residents who have supported their community for decades and will continue that support into the future. Ashland is a peaceful rural community with many properties spread throughout forested mountains, hills and valleys. It is a place where residents can escape the noise and business of the city and relax in the tranquility of the town they've called "home." When SNHS started construction in 2006, we made a significant investment in maintaining the peaceful rural lifestyle in which we wanted Ashland's elderly residents to continue to enjoy.

A gravel pit/quarry right in the heart of the community would be devastating and ruin the quality of life that we and our tenants enjoy so much. I respectfully ask you to hear our concerns and take into careful consideration the enormous negative impact such an operation would have on the community and the environment in which we live.

Our first concern is **traffic and public safety**. There is only one access in and out of this location which is West Street. The roads are narrow with very little room on the shoulder. Many of our elderly residents utilize this road to walk and get their daily exercise. Increasing traffic on this street, especially with



large trucks with limited visibility, will only increase the risk to those elderly walking and driving around their home.

With the addition of ledge blasting and product being extracted, it would mean multiple dump/large trucks per day traveling down these same roads causing congestion, pollution, wear and tear on the roads, and a greater potential for accidents. Many of our residents open windows and spend much of their time outside enjoying the fresh air. Multiple trips a day of tandem axle gravel trucks rumbling by with dust and debris would be a nuisance to the quiet enjoyable lifestyle we are trying to maintain.

Our second concern is **noise, dust and pollution**. Ashland is unique in its topography with many mountains and valleys. The proposed gravel pit/quarry is located directly next to Common Man Commons. The noise, dust and pollution created by this proposal would adversely affect the entire community as wind travels through the valleys of Ashland every day. As it is, SNHS had to construct the roof of our building utilizing high wind shingles based on the strong winds that come through this area almost daily. One can only imagine what the decibel level and increased debris will be if this gravel pit is allowed to operate in such close proximity to a residential property.

Our third concern is **environmental**. The applicant proposes to excavate ledge within this pit and we believe there is a substantial amount of ledge within this area including where our site sits. The unintended consequences of blasting and on-going vibration in this area would impact our residents substantially. Water always follows the path of least resistance and any single, multiple or successive development and/or site alteration could have an irreversible negative impact on community wells and important wetlands. Not to mention the impact on the structural integrity of nearby buildings.

In closing, I would like to say that the comments listed above are only a few of the concerns that SNHS has related to the proposed gravel pit/quarry. As comments are made tonight I'm sure we'll walk away with more questions and concerns, but the overarching issue is the fact that we would be taking a residential area in a quiet and peaceful community and making it a commercial area to the point of making it potentially unlivable. This decision is one that could destroy the lifestyle for multiple elderly Ashland residents who have devoted their lives to making Ashland a great community. As we age things naturally become more difficult however, having a quiet, enjoyable lifestyle in the community we support and love should NOT be one of those difficulties, especially when we can control the outcome. SNHS worked extremely hard to ensure we found the best possible "Rural Residential Zone" we could for Ashland residents and we respectfully ask the zoning board to consider this when making their decision.

I thank you for taking the time to hear our concerns and hope you will take them into consideration when making your decision about the future of our community.

Sincerely,

  
Ryan Clouthier