

**Ashland Planning Board
Approved Meeting Minutes
Wednesday, September 2, 2020**

CALL TO ORDER: Mardean Badger, 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, Kathleen DeWolfe, Paula Hancock, Susan MacLeod, Land Use Assistant

OTHERS PRESENT: Daniel Lucchetti, of HEB Engineers, representing Brandon Hiltz Construction.

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.

INFORMAL CONCEPTUAL CONSULTATION ON SANDPIT/QUARRY (T/M/L 004-002-002)

Daniel Lucchetti, a civil engineer of HEB Engineers, representing Brandon Hiltz Construction, met with the Planning Board for an informal conceptual consultation on a proposed excavation of a gravel pit/quarry site at the end of West Street (T/M/L 004-002-002). He advised further:

- The property is approximately 85 acres in size running parallel to Route 93 northbound.
- The property is located in the Rural Residential Zone
- The southern portion of the property has a small portion of the municipal wellhead protection area. The northern portion of the property has a small portion of an aquifer.
- The central portion of the property will be the actual excavation site.
- The conceptual buildout of the excavation is about 11 ½ acres or about 500,000 square feet.
- An access road will need to be constructed from the existing gravel road along the western property line that parallels Route 93.
- This property was historically used as part of the Route 93 construction for a gravel pit and storage area.

Mr. Lucchetti advised that he had the following questions about the local permitting process. He made the following inquiries:

- Under the current Zoning Ordinances, this proposed use (gravel pit/quarry excavation for commercial use) is not permitted in the Rural Residential Zone.
 - Will we need to meet with the Zoning Board of Adjustment to request a variance to permit our use in a Rural Residential Zone?
 - If variance is granted, will we then need to come before the Planning Board for a Site Plan Review?
- We will need to review a current version of the Excavation Regulations for the town and State.

The Planning Board made the following points relative to the proper application process and procedure:

- The majority of the proposed property is in the Rural Residential Zone. A small portion of the property at the end of West Street is in the Commercial Zone.
- The definition of our Rural Residential Zone does not list this as a permitted use.
- This proposal will need to be brought before the Zoning Board of Adjustment for a **Special Exception**.

- If the Zoning Board of Adjustment approves the special exception, the applicant then will need to come before the Planning Board
- The groundwater protection overlay is located on a portion of the property. The aquifer also overlays a portion of the lot.
- Our Zoning Ordinance has a complete chapter on groundwater protection overlay. It deals with the storage of hazardous materials to avoid seepage into the groundwater.
- The local Excavation Regulations were adopted in 1981. The NH RSA 155-E deals with Excavation Regulations which has been updated several times since its adoption in 1979. Both RSA 155-E and the current 1981 local regulation must be consulted and the stricter elements of either regulation would be enforced.
- Because of where this property is located and the nature of the project, the Planning Board will make a determination whether this is a development of regional impact, as per NH RSA 36:54 through 36:58, which will also involve input from the Lakes Region Planning Commission and abutting municipalities. The Regional Impact RSA has six factors or criteria to judge the project's regional impact.
- There are increased environmental concerns currently and the proposed site has very steep slopes.
- There is the issue of destabilization once excavation begins. There can be a dust issue as well.

The Planning Board noted other issues or concerns:

- The blasting, crushing, screening activities that take place in a quarry raise noise concerns to the neighborhood.
- Concern about the amount of frontage of the property that is on West Street. The frontage is a total of 162 ft.; 50 feet of that would be within the paved limits of West Street
- There are concerns about any abutting properties that are in conservation status. This will be addressed through the Site Plan Review survey.
 - One of the abutters is Whitten Woods which is owned by New England Forestry and managed by the SLA. It is a conservation area and is located above your property.
 - Glidden Forest is an additional conservation area.
- Our Master Plan Chapter 4 raises concerns about excavation and its impact.
- There is an expressed concern about how the additional traffic would impact West Street. West Street is already congested with traffic from Ashland Lumber, gas station, Burger King, Comfort Inn. The entrance to West Street is a very busy traffic corner. There are also residential properties on the street: Common Man Commons, a retirement complex. There might be a recommendation for a traffic study for the West Street area.
- The environmental impact of the project would need to be addressed because of the project's proximity to the wellhead protection area and the aquifer.

Mr. Lucchetti advised that the excavation would include excavation and blasting depending on bedrock areas. They will be processing materials, crushing and stockpiling materials. He was told that the applicant would need to secure an NH DES Alteration of Terrain Permit and meet the environmental concerns contained in the 1981 local Excavation Regulations and RSA 155-E. DES may require a Heritage Survey and Endangered Species and Flora and Fauna Survey, in addition to delineation of wetlands on the property. If there are wetlands a permit will need to be obtained.

Mr. Lucchetti asked under restoration of the site whether the company will be expected to return the natural slopes to their former contour. This question was taken under advisement.

The requirements of the application process and procedures were outlined:

- The owner will need to submit an application to the ZBA and an application to the Planning Board.
- Meet with the Zoning Board of Adjustment to request a Special Exception.
- The Planning Board will require a Site Plan Review for the proposed project.
- The Planning Board will need to address the subdivision regulations and the driveway regulations.
- The Planning Board determines the excavation, reclamation and bonding requirements for the project.
- Any impact to West Street because of the project will be determined upon Site Plan Review application submission. The Public Works Director will be included in these discussions.
- The Fire Chief will need to have input in the discussions in order to advise about any requirements for assistance (fire or industrial incident assistance). The Police Chief may need input relative to traffic incidents and any other safety concerns.
- It was advised that any expansion of the excavation the owner will need to meet with the Regional Planning Commission if project is within ¼ mile of the Pemigewasset River. This project may not meet these criteria.
- Because of the detail/information involved in this application process, a Design Review is available before the project application is submitted. Design Review is more detailed and is permitted by RSA. This would be open to abutters and community members. This would take place before the final application is submitted.
- This project may need to put together a Storm Water Management Plan.
- The Planning Board has the authority to hire experts when dealing with a particularly difficult excavation project. The cost will be paid by the applicant.

DISPOSITION OF MINUTES

Kathleen DeWolfe made a motion to accept the Wednesday, August 26, 2020 minutes as presented. Paula Hancock seconded the motion. The motion passed by a 3-0 roll call vote.

EXCAVATION REGULATION UPDATE

The Planning Board will review the latest draft of the Excavation Regulations in order to discuss at the next scheduled Planning Board meeting. Susan Slack of Lakes Region Planning Commission is willing to review our current draft of our regulations. The town's attorney will review the draft regulations as well. The new Excavation Regulations will be approved by the Planning Board after a posted Public Hearing. The Planning Board will need to address any excavation projects that were permitted under the 1981 excavation regulations and how to bring all excavators and their projects under our new regulations when approved. We will ask our attorney about this issue. If a project is permitted before our new regulations have been approved, the project needs to follow the more stringent elements of either NH RSA 155-E or our current regulations. Our new regulations when approved will supersede all previous regulations.

2021 LAND USE BUDGET

The Planning Board reviewed the 2021 Land Use Budget. This budget is for both the Zoning Board of Adjustment and the Planning Board. The Planning Board had concerns about the General Expenses and wants to increase the General Expenses to \$1,500. The Planning Board would like to decrease the Advertising total to \$200. The Legal line item will remain at \$3,000. This brings the total for the 2020-2021 budget to \$9,216. Mardean will discuss the budget with David Toth, Chair of the Zoning Board, before it is submitted to the Town Manager.

CORRESPONDENCE

The Planning Board received an email from the owner of a residence on Carr Avenue, who is concerned about an abutter's plans to build a fence and a garage near the property line. The Planning Board will respond to this correspondence.

The Planning Board, after reviewing their Zoning Ordinances, advised that if the fence is under six feet it is not considered a structure so a setback is not involved. If the fence is over six feet, it is considered a structure and needs a building permit and it must meet setback requirements. If the fence is placed on the boundary line it is not considered encroachment. It will raise the issue of which property owner owns the fence. It might affect the sale of the abutting properties. It could be an ongoing issue between the owners.

NEXT MEETING

The next meeting of the Ashland Planning Board will be Wednesday, September 23, 2020 at 6:30 PM.

ADJOURNMENT

Kathleen DeWolfe made a motion to adjourn. Paula Hancock seconded the motion. The motion passed. The meeting adjourned at 8:00 PM.

Minutes submitted by Paula Hancock