

Hi Michelle,

Please pass this on to the Zoning Board members.

In conversations that we have been having with neighbors, we have been surprised that our neighbors in Lyndeborough had not already heard about Quinn Properties LLC application for a variance for their property on lot #B-10.

While researching in preparation for the upcoming Zoning Board of Adjustment (ZBA) meeting, we found information regarding the State rules around "development of regional impacts (DRI)" (RSA 36:54 through RSA 36:58). The publication from the NH Office of Energy and Planning states "The statutes require the Planning Board, Zoning Board of Adjustment, Historic District Commission and other land use boards to make an initial determination about whether an application before the board is a DRI," and that, "A proposal before a local land use board should be deemed a DRI when it could reasonably be expected to impact on a neighboring municipality."

RSA 36:55 lists the following six factors that may be expected to impact neighboring municipalities, any one of which could result in a DRI determination:

1. Relative size or number of dwelling units as compared with existing stock.
2. Proximity to the borders of a neighboring community.
3. Transportation networks.
4. Anticipated emissions such as light, noise, smoke, odors, or particles.
5. Proximity to aquifers or surface waters which transcend municipal boundaries.
6. Shared facilities such as schools and solid waste disposal facilities.

"It is important to note that the DRI determination may not be limited to these six circumstances. Other factors could lead the land use board to determine that a development proposal may have regional impact."

The RSA also states: "When the land use board receives an application for development, it is required to review it "promptly to determine whether or not the development, if approved, reasonably could be construed as having the potential for regional impact." When it's a close call, the law requires the board to find that the development does indeed have the potential for regional impact. "Doubt concerning regional impact shall be resolved in a determination that the development has a potential regional impact."

Zoning Boards of Adjustment are specifically mentioned as being required to follow this process as follows: "Before scheduling a hearing on a variance appeal or a special exception request, the ZBA should first decide whether the matter involves a regional impact development."

We are concerned that our neighbors in Lyndeborough, who are so close to this proposed asphalt plant and who share a school system with us, have not been given any special notice or any official opportunity to participate in the process as required by law.

I am including this link to the document referred to:

<https://www.nh.gov/osi/resource-library/planning/documents/developments-regional-impact.pdf>

Thank you for your time and consideration.

-Marilyn Jonas

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