

**TOWN OF NEW HAMPTON
ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
TOWN OFFICES
NEW HAMPTON, NH 03256**

March 2, 2022

MEMBERS PRESENT Regular members: Mr. Tierney, Mrs. Belanger, Mrs. Arsenault, Mr. Livernois, & Mr. Newman.

OTHERS PRESENT Administrative Assistant Mrs. Vose

CALL TO ORDER Mr. Tierney called the meeting to order at 7:02 PM.

CORRESPONDENCE There was none.

PUBLIC HEARING GZA Environmental Project Manager Lindsey White and Eversource's
Eversource Energy, E115 Jeremy Fennell, Sarah Hoodlet, and Catalina Celentano were present to
Transmission Line - multiple represent the application. Douglas Mullenmeister & Joni Angus were
town locations, for a Special present as abutters.
Exception - Article IV,

Section G:6.iii.e, of the New Mrs. Vose advised that the applicant, Eversource Energy, have requested a
Hampton Zoning Ordinance. Public Hearing in accordance with RSA 676:7, for a Special Exception
request under Article IV, Section G.6.iii.e of the New Hampton Zoning
Ordinance. The applicants' proposal is to replace utility poles within the
existing and actively maintained utility ROW as part of the E115
Transmission Line Structure Replacement and Optical Ground Wire
(90GW) Project, in New Hampton, Bristol, Bridgewater, Ashland, and
Holderness. In the Town of New Hampton, there are 47 proposed
structure replacements along the existing E115 Transmission Line. Nine
(9) of these fall within the Flood Hazard District, which is a permitted use
by Special Exception. The Flood Hazard District is defined as an area
subject to periodic flooding and delineated as alluvial soils by the USDA
Natural Resources Conservation Service, shown on the FEMA Flood
Insurance Rate Map for the Town of New Hampton. The properties
affected by this Flood Hazard District Right-of-Way are located in the
General Residential, Agricultural and Rural District, bounded by the
Pemigewasset River, I-93, NH Route 132N, and the Ashland Town Line.

Mr. Tierney asked the board their opinion of regional impact. It was the
consensus of the board that the application did not have a regional impact.

Mrs. Vose advised that all abutters were notified, heard from one who did
not pick up their abutter's notice, and submitted an email from Town
Administrator Neil Irvine.

Mrs. Vose read into record an email dated 3/1/22, sent to Chair Mr.
Tierney from Town Administrator Mr. Irvine. In brief it stated that the
Conservation Commission Chair met with Mr. Irvine and reviewed the

application and plans. The Chair's only concern was similar to the concerns brought up for A111 line application in 2021, noted that those concerns had been addressed and mitigated by the applicant in a similar fashion with this project. The Commission had no further concerns, though requested the Environmental Monitoring Report to be provided to the Town, as it is being with the A111 line project.

As Mr. Tierney was aware that not all members had reviewed the applicant's application previously sent to members, he said he would allow time for members to read it.

Mr. Tierney said the project begins at Ayers Island Dam then travels into Bristol, Bridgewater, crosses into New Hampton, continuing to the Ashland town line. He said the plans show the delineation of the Pemigewasset Overlay (PO) District and the Flood Hazard District relative to the pole replacements. He said it was his opinion that the Special Exception is not required for the PO District as there is not a Table of Uses in the District that requires a Special Exception for any use, other than those dictated by the GR District, for which this use does not apply. Mr. Tierney said a Special Exception is needed for the Flood Hazard District. Mr. Livernois asked if Mr. Tierney thought this was a permitted use and Mr. Tierney advised it was a pre-existing, non-conforming use, and it is only maintenance that is being done. The board asked why the applicants felt they needed to appeal for the Special Exception from the PO District, in addition to the Flood Hazard District. Ms. White said that Mr. Irvine had suggested both districts, and that as applicants, they had interpreted the ordinance in the same manner. Mr. Newman asked if the board could even review and decide on a Special Exception from the PO District given the way the ordinance is written and the board agreed it could not. Mr. Newman said that the application in 2021 for the A111 line brought up environmental concerns, which are currently being addressed by submittal of reports to the Town, and wondered if that means the ZBA could not request those same reports for that section of work area, not within the Flood Hazard District. Mr. Tierney said the Board could request, but not require, reports for the PO District work on the E115 line. There was discussion on whether this was a non-conforming change of use to another non-conforming use that needs a special exception but the Board determined this was not the case. Mr. Livernois made a motion, seconded by Mr. Newman to make the finding that no Special Exception is required for the proposed structure replacements within the PO District. Vote was unanimous.

Relative to that area where the structure replacements will be within the Flood Hazard District, Ms. White showed on plans submitted, where 9 structures were located within the district. Access for the work would be off I-93 through a NHDOT ROW and possibly a bridge located just over the town line with Ashland, which accesses a farm field in New Hampton. Ms. White explained that temporary upland matting would be used at the work sites where the field was located, being removed once the project was complete. The work areas outside of the farm field will have improved grading and placement of stone for better access. Ms. White

explained the process being to prepare the site, drill for placement of the new pole, which in many cases are offset by 5-10 ft, placing the pole, stabilizing the area, then moving on. Ms. Hoodlet explained that the A111 line project is using upland matting in the flood hazard area, and stone outside of that area. Mr. Newman asked about remediation and Ms. White advised the matting is removed and a portion of the stone pads are removed, reducing it to a 30x60 foot maintenance work pad. She said an Alteration of Terrain Permit will be submitted to NHDES.

Mr. Tierney asked about the bridge at the Ashland town line as he was familiar with it and concerned with its condition for equipment crossings and Mr. Fennell said that remains under consideration.

Mr. Tierney advised that the Board will be requiring copies of inspection reports, weekly or bi-weekly, for those impact areas in the Flood Hazard District, but would request reports for the entire project within New Hampton. The representative present agreed to this.

Relative to the height of the poles, Ms. Hoodlet said the average increase in New Hampton is 10-15 feet, due to changes in code. Ms. White provided a handout that included a photo example of what the new weathered steel poles would look like. She said all abutters were provided with this same handout. Mr. Tierney confirmed with the applicants that these poles could not accommodate DC lines.

Mr. Fennell advised that the poles are used through the state and are able to withstand flooding.

Mr. Tierney asked the abutters if they had any questions. Mr. Mullenmeister asked if there were plans to add any poles and Ms. White said there was not. Ms. White showed the abutters how the poles closest to them would shift.

The board reviewed the Special Exception criteria.

The specific site is an appropriate location for such use: The Board agreed, especially as it exists.

There is adequate area for safe and sanitary sewage disposal: The Board agreed that this was not applicable to the application.

The use will not adversely affect the adjacent area: the Board agreed that only the temporary work would have any affect and Eversource would be working in their own ROW, and that the poles are already existing in the ROW. Mr. Tierney asked for the timeframe of work and Ms. White said they expect to start in June/July with Mr. Fennell advising it would likely be complete by mid-2023.

There will be no nuisance or hazard created: The Board agreed.

Adequate and appropriate facilities will be provided for the proper

operation of the proposed use: The Board was in agreement and Mr. Livernois advised there was additional criteria in the Flood Hazard District, which Mr. Tierney said the Board would address next.

The use will not impair the aesthetic values exhibited by the surrounding neighborhood: The Board agreed, especially after discussion on the difference between the old and the new poles, their look and the size.

The development of any lot including any building or impermeable area shall not exceed the maximum lot coverage in the applicable zoning district: the Board agreed though the pads will increase in size but the lot affected by the Flood Hazard District is very large (112 acres).

Relative to the Agritourism criteria: The Board agreed this was not applicable.

Mr. Tierney confirmed with the Board that they had agreed the applicant met the criteria, thus far. The Board reviewed Article V, Section G.6.vi regulations as it pertains to the Special Exception under the Flood Hazard District.

- a. Structures shall not be designed for human habitation.
- b. Structures shall have a low flood damage potential.
- c. The structures shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwaters and that will minimize flood damage.
- d. Structures shall be firmly anchored to prevent floatation, collapse or lateral movement of the structure.
- e. Use construction materials and utility equipment that are resistant to flood damage.
- f. Service facilities such as electrical and heating equipment shall ordinarily be constructed at or above the regulatory flood protection elevation for the particular area.

The Board agreed all these regulations had been met by the applicant.

Relative to fill being added, Mr. Livernois asked about erosion control. Ms. White advised that temporary erosion controls were required as part of the permitting required through the state and federal authorities.

With no more questions or comments, Mr. Tierney advised the Board would go into deliberations.

Mr. Livernois made a motion, seconded by Mrs. Belanger to approve the Special Exception for Eversource Energy for the E115 Transmission Line rebuild project as it relates to the Flood Hazard District. Relative to conditions, Mr. Tierney suggested requiring inspection reports either weekly, or bi-weekly, be provided to the Town Administrator or Board of Selectmen. Mr. Livernois made a motion, seconded by Mrs. Belanger to amend the first motion to include this condition. The vote was unanimous.

CORRESPONDENCE

Memo from Fire Chief Lang that satisfactory inspection of property

belonging to Donna & Michael Merchant, Tax Map U1, Lot 5, for the creation of the 2nd dwelling unit in their home.

MINUTES

Mr. Tierney complimented all members on their careful deliberations and clear decisions on applications before them, which are accurately recorded in the minutes.

Mr. Livernois made a motion, seconded by Mrs. Belanger to approve 10/6/21 meeting minutes as written. Vote was unanimous.

ADJOURNMENT

Mr. Livernois made a motion, seconded by Mrs. Belanger, to adjourn at 8:10 pm. Vote was unanimous.

Respectfully Submitted,

Pam Vose, Administrative Assistant

DRAFT