

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

June 2, 2021

- MEMBERS PRESENT** Regular members: Mr. Tierney, Mrs. Belanger, Mr. Newman & Mrs. Arsenault.
- OTHERS PRESENT** Administrative Assistant Mrs. Vose
- CALL TO ORDER** Mr. Tierney called the meeting to order at 7:00 PM.
- CORRESPONDENCE** There was none.
- PUBLIC HEARING**
PSNH d/b/a Eversource Energy, Coolidge Woods & Brook Roads, Tax Map R-14, Lots 16 & 17, for a Special Exception -Article IV, Section G:6.iii.e, of the New Hampton Zoning Ordinance.
- VHB Environmental Consultant Sherrie Trefry and Eversource's Kurt Nelson & Sarah Hoodlet were present to represent the application. Barry and Gretchen Draper were present as interested residents.
- Mrs. Vose advised that the applicant, Public Service of New Hampshire, d/b/a Eversource Energy, have requested a 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 along the A111 Electric Transmission Line as part of the rebuild project. Two (2) of the 37 proposed structure replacements are located 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 off of Coolidge Woods and Cross Roads, Tax Map U-14, Lots #16 & 17, in the General Residential, Agricultural and Rural District. Mr. Newman noted that it was Brook Road, not Cross Road, and is Map R-14, not U-14. The notice was amended
- 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.
- Mr. Tierney said the board is typically made up of 5 members and there are not 5 members present. He said if the board were to deny the Special Exception the fact that there are not 5 members present is not a reason to appeal the decision, asking the representatives present if they wanted to move forward with the members present and they agreed.
- Mrs. Vose advised that all abutters were notified but heard from none.

Mr. Tierney asked the members if they had a chance to review the applicant's application, the letter of introduction from VHB dated 5/13/21, and some of the plan drawings that were previously sent to members relative to this application and they said they had.

Ms. Trefry provided a brief overview of the A111 Structure Replacements Figure 1 plan that was submitted. Ms. Trefrey explained this is a rebuild of the transmission line due to their age, with wood poles being replaced with self-weathered steel poles (direct in-bed), adjacent to existing structures, replacing existing wires with modern wires/equipment. Wires/equipment will be transferred prior to removing wooden poles. She showed the 2 poles in the flood hazard district, being existing pole #'s 103 and 104, with 100' x 100' work pads for equipment setup for pole replacement. She showed the proposed access that needs construction with some contingency access points that are not desirable but may be necessary if landowner permission is a problem, and existing access that will need some further improvements. For wetlands crossing protection, Ms. Trefry explained they would use temporary timber matting and sediment erosion control. Poles will be of the same configuration as the current ones with some height increase to accommodate new safety requirements. Current access will need scraping and gravel, with some restoration after work is done, leaving a gravel base. Project expected to begin late summer, anticipating a year or more to complete.

Mrs. Arsenault asked if there would be any disruption to electrical service and Ms. Trefry said there would not. Mrs. Arsenault asked how the work will affect the residents in the area. Ms. Trefry said they are working with the town or NHDOT for requirements, including signage, appropriate sight distance or traffic control when needed. Ms. Hoodlet advised work would typically be Monday – Saturday, 7am to 7pm.

Mr. Newman asked about some of the grading needing to be more severe in some locations and Ms. Trefry said they would be obtaining an Alteration of Terrain Permit from NHDES.

Mr. Tierney asked what degree of restoration would be done and Ms. Trefrey said the work pads and temporary wetlands crossings would be restored but the access roads would be left more intact for future access needs. She said VHB would be hired to monitor/inspect the ongoing construction with reports being provided to Eversource, contractors and likely NHDES – weekly. Mr. Newman asked if there would be future inspections once the project is done and Ms. Trefrey said there would be as it would likely be required to be 85% restored as a condition of permit approval.

Mrs. Draper asked if they could state the percentage of change would be done. Ms. Trefry said she did not know. When they do restore the roads the contractors must ensure the gravel roads remain a distance from the wetlands crossings once the project is complete and restoration has been done. Mr. & Mrs. Draper expressed concern with water, and any unwanted sediment, coming from Blake Brook into the Pemigewasset

River and submitted a photo taken by Mr. Draper on 10/30/17 during a period of heavy rain.

Ms. Hoodlet said they continue to work with property owners to gain permissions to access work pads in a way that prevents much disturbance to the land.

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

The board reviewed the Special Exception requirements noting that the board had previously read the applicants comments on the Special Exception criteria.

The specific site is an appropriate location for such use: There is an existing power line and therefore an appropriate site.

There is adequate area for safe and sanitary sewage disposal: Mrs. Arsenault stated this was not an appropriate criterion and is not needed for this application.

The use will not adversely affect the adjacent area: Mrs. Arsenault asked what the longevity of the wood pole vs the steel pole. The wood poles were installed in the 1950's. Mr. Tierney opened the hearing back up to ask the applicants who said it would be 60-80 years. Relative to the work being done to replace the poles, and its affect on the adjacent area, Mr. Tierney said a large percentage of the land will be restored and suggested that if this was approved, a condition be put on any approval that the reports mentioned by Ms. Trefry be supplied to the town, ie. Selectmen or Town Administrator, on a regular basis. The board agreed this criterion was met.

There will be no nuisance or hazard created: The board agreed there would be no nuisance or hazard.

Adequate and appropriate facilities will be provided for the proper operation of the proposed use: Mrs. Arsenault said this criterion doesn't apply.

The use will not impair the aesthetic values exhibited by the surrounding neighborhood: The board agreed that though the height would increase to some degree it was for the purpose of safety and Mr. Newman, through personal knowledge, said it is unlikely that the residents living in that area would see much change, and if so, it would be a great distance away.

The building, parking/or driveway area will not exceed the maximum percentage of lot coverage in the applicable zoning district: Mrs. Belanger said this was not applicable or necessary.

Relative to the Agritourism criteria: Mrs. Belanger said this was not

applicable or necessary.

There was discussion that the town should be kept informed during the process of restoration efforts and any other problems that arise during the construction process, to ensure all appropriate work is being done. In the letter submitted by VHB with the application it states "Erosion controls will be inspected daily by the contractor crews and weekly by a qualified environmental monitor, hired by PSNH, to ensure that the controls are maintained and are properly functioning throughout the duration of the project." The board agreed that NHDES will be overseeing the project, but felt the town should be kept apprised of the inspections.

Mr. Newman made a motion, seconded by Mrs. Arsenault, to approve the Special Exception with the following condition:

1. PSNH, d/b/a Eversource, will provide copies of inspection reports, weekly or bi-weekly, to the Town Administrator and/or Selectmen.

Vote was unanimous.

MINUTES

There were not 3 members of the 5/5/21 meeting present, but as the meeting did not reflect a hearing, and was only for the purpose of electing officers and voting on past minutes, Mr. Newman made a motion, seconded by Mr. Tierney, to approve the minutes as written. Vote passed.

OTHER BUSINESS

Mrs. Vose advised that Fire Chief Lang had expressed concerns on Special Exceptions approvals for short-term rentals, where the applicant has the burden of ensuring their dwelling, being used as a rental, meets applicable life safety codes. Chief Lang had visited a home that was granted a Special Exception for a short-term rental. He found an excess of \$20,000 of work necessary to meet code. Had the applicant known this prior to applying to the ZBA they may not have gone through the hearing process. Mrs. Vose pointed out that the ZBA has added the condition relative to life safety but there is no mechanism to follow-up with the property owner/applicant. The board agreed this is something the Selectmen and Fire Dept. should discuss further, but that the office could advise a prospective applicant of this requirement.

ADJOURNMENT

Mrs. Belanger made a motion, seconded by Mrs. Arsenault, to adjourn at 8:05 pm. Vote was unanimous.

Respectfully Submitted,

Pam Vose, Administrative Assistant