

**MINUTES OF THE MEETING
LEE ZONING BOARD OF ADJUSTMENT
Wednesday, December 18, 2019
7:00 PM**

MEMBERS PRESENT: Jim Banks, Chairman; John Hutton; Donald Quigley, Alternate & Peter Hoyt, Alternate

OTHERS PRESENT: Anne Tappan, Conservation Commission Representative; Jenni Menendes, Eversource; Chris Wilks, VHB; Caren Rossi, Planning/Zoning Administrator.

John Hutton clerked and read the notice into the record.

ZBA1920-13

An application from Public Service of New Hampshire/Eversource Energy (easement holder of service lines/equipment over various parcels of land in Lee), is requesting a Special Exception as provided in the 2019 Lee Zoning Ordinance, Article XV; Wet Soils Conservation Zone, section E: Special Exceptions, number – 1, to allow the replacement/repair of utility poles and associated equipment along with access within 75' (feet) of wet soils and through wet soils if necessary to perform said work on a number of parcels of land of which said applicant holds easements for relating to the, so-called, "Structure Replacements C129 Line/L175 Line/G128" as shown on submitted plans dated November 8, 2019.

Chris Wilks, VHB explained that they have found more poles that have structural deficiencies. Many have internal rot, wood pecker damage some have sunken in. Like the others, they will be replacing these with dark metal poles. The steel poles last between 50 to 70 years. This is strictly maintenance work, no new lines being proposed. These are all wood structures that need to be replaced. All work will be done in accordance with BMPS. All state permits are in place. All abutters have been notified. They will go down the existing ROW. 21,123 sq. ft. of wet soils impact and 60,673 sq. ft. in the buffer. All temporary impacts will be restored upon completion. They will be using timber matting, conducted during the winter months, least amount of impact. Frozen ground & snow cover minimizes impacts. VHB will go out and inspect the work weekly monitoring the work and submit weekly reports to Eversource.

Public comment

Tom Kelley- 70 Old Mill Rd spoke with concerns of the project. It's never ending. Did the same thing 9 years ago, now doing it again. Always a construction zone. The workers earlier this season rutted up his nice groomed/manicured trails in the ROW.

Both Jenni and Chris ensured him that they would express his concerns. They gave him the Public Outreach Coordinators information for him to relay his concerns to her to address.

Anne Tappan, Conservation Commission read their recommendations from the submit letter into the record. (In file)

Floor closed

The Board determined the following Findings of Fact.

PRELIMINARY FINDING

After reviewing the petition and having heard the presentation by the applicant, it is found that the Board **has majority** sufficient information available upon which to render a decision. If there is sufficient information, the application will be deemed accepted and the public hearing will continue. If it is found that the Board does not have sufficient information, the public hearing will be postponed to a date certain on _____.

For Special Exceptions permitted under Article XV in the Wet Soils Conservation Zone:

The use is specifically permitted under the terms of Article XV.E. _____

Yes: **majority**

Has the Application been referred to the Conservation Commission and the Health Officer for review and comment as required by Article XV.E?

Yes: **majority**

The requested use is specifically permitted under Article XV:

1. If for street, road, access ways and utility rights-of-way, is the use essential to the productive use of land and is it located and constructed so as to minimize any detrimental impact of such uses upon the Wet Soils?

Yes: majority

2. If for Water Impoundment, has the purpose of the District been met?

Yes: n/a

3. If for Fire Ponds, has the use been reviewed by the Lee Planning Board and Lee Fire Department and has it satisfied the purposes of the zone?

Yes: n/a

4. If for an undertaking of a use not otherwise permitted in the Zone, has it been shown that the proposed use is not in conflict with any and all of the purposes and intentions listed in Article XV.A?

Yes: n/a

For all Special Exception requests, findings and rulings.

After reviewing the above, the Board has determined the following findings of fact, all of which must be satisfied to grant a special exception as required by Article XXII.3 of the Zoning Ordinance.

- 1) The proposed use **will not majority** be detrimental to the character or enjoyment of the neighborhood or to future development by reason of undue variation from the kind and nature of other uses in the vicinity or by reasons of obvious and adverse violation of the character or appearance of the neighborhood or cause diminution in the value of surrounding property.
- 2) The use **will not majority** be injurious, noxious or offensive and thus be detrimental to the neighborhood.
- 3) The use **will not majority** be contrary to the public health, safety or welfare by reason of undue traffic congestion or hazards, undue risk of life and property, unsanitary or unhealthful emissions or waste disposal, or similar adverse causes or conditions.

John Hutton made a motion to grant the request from Public Service of New Hampshire/Eversource Energy (easement holder of service lines/equipment over various parcels of land in Lee), is requesting a Special Exception as provided in the 2019 Lee Zoning Ordinance, Article XV; Wet Soils Conservation Zone, section E: Special Exceptions, number – 1, to allow the replacement/repair of utility poles and associated equipment along with access within 75' (feet) of wet soils and through wet soils if necessary to perform said work on a number of parcels of land of which said applicant holds easements for relating to the, so-called, "Structure Replacements C129 Line/L175 Line/G128" as shown on submitted plans dated November 8, 2019. Subject to the following conditions:

1. Best Management Practices be followed
2. Work with the landowners to ensure that there are no issues

Peter Hoyt second
Vote: majority

Jim Banks, Chairman explained the 30-day appeal period to the applicant.

MINUTES TRANSCRIBED BY:

Caren Rossi, Planning & Zoning Administrator