

Zoning Board of Adjustment

May, 27, 2014

Memorial Building

7:00 P.M.

These are considered to be draft minutes only until approved by the board at their next meeting.

Members Present: Susan Chiarella, Bryan O' Day, Justin Hastings, Gene Hayes, Karen Cook, and alternates, Peter Crowell, Peter Abair, and Jim Bednar

Others Present: Steve Klein, Ed Shank, Dorothy Martin, John Warsocha, Chuck Theall, Sandra Putney, and Rocky Richards

Review of minutes: Bryan motioned to accept minutes as written, 2nd by Justin and all in favor.

Messer site walk minutes: Justin makes a motion to accept minutes as written, second by Karen and all in favor

Springfield Power site-walk minutes: Susan wanted to add that she announced that the hearing/meeting would be continued to May, 27th. Bryan motioned to accept the minutes as amended, second by Gene and all in favor.

Susan opens the meeting and reads the letter from Jake Messer asking to have his hearing continued until July 1st to give him time to get necessary information. Board agrees to continue the meeting until July 1st.

7:10 Susan calls the meeting to order and continuation of the hearing for Springfield Power Variance. Bryan asks John if they are starting from natural grade and he states that he is. Susan states that they are asking for a 70' variance. The three permits that they need from the state are Alteration of terrain, Wetlands permit, and 401 water quality certification. John states that is all DES needed. John also adds that the Army core reviews all the applications. John states that he feels that it will solve a lot of their problems and reduce the trucking of water from other areas. Susan asks when he hopes to start project. John states this summer when it dries. Gene states that if it does overflow for some reason it will flow towards the wetland so there will be no significant change. Susan asks if the public would like to ask questions. Rocky Richards asks about elevation of the pond to the marsh. The pond is two feet higher than the marsh. Rocky states that his only concern is that his house is at water level and the run off will fill in the area that borders his house. John states that the pond will in fact help with the run off issue. John explains that the biggest reason for that is the culvert. He states that the culvert really needs to be working properly. Rocky asks about water testing samples. Chuck states that he sends samples to the EPA regularly.

The board went into deliberation.

The board first discussed the Special Exception. Susan read 4.14 A of the Zoning Ordinance regarding Water Impoundments. The board reviewed the application and the criteria.

11.42 A. The board felt the appearance was not changing character of the neighborhood

B. Board felt the proposed use would not be injurious, noxious, or offensive or detrimental to the neighborhood

C. Board felt that it will lessen the traffic due to there won't be as many water trucks in and out of there.

D. Board felt there would be no adverse effects on the environment, and meets all other setbacks except for the variance.

E. The board felt there were none.

Gene makes a motion to accept special exception application submitted contingent upon approval from the State on the following permits. Alteration of terrain, Wetlands Permit, and 401 Water Quality and contingent upon ZBA approval for Variance for Wetland buffer setback. The motion was seconded by Justin, all in favor and unanimously approved.

A special Exception was granted and reads as is:

appeal of Springfield Power, LLC for a Special Exception to excavate land and construct a water impoundment for use as cooling water for the Power Plant has been **GRANTED**, contingent upon Springfield Power, LLC receiving approvals from The State of New Hampshire Department of Environmental Services and The United States Army Corp of Engineers, as needed and required, including State of New Hampshire permits for Alteration of Terrain; and Wetlands Permit, and 401 Water Quality, the latter two if required, by the affirmative vote of five members of the Zoning Board of Adjustment.

The board went back to the Variance hearing: Peter Crowell asks about a dry hydrant. John states that it is a great idea it just wasn't feasible. Susan asks if the board had any other questions or the public. Susan closes the hearing.

The board reviewed the finding of facts: 11.31 of the zoning ordinance.

- A. The board felt it was a positive thing-less traffic
- B. They felt the spirit was observed
- C. The board felt that substantial justice is done, as there is no injustice done.
- D. The board felt the values of surrounding properties are not diminished.
- E. The board felt that it would be a hardship not to grant the variance.

Susan makes a motion to accept the variance application by Springfield power and grant the 70' variance for Article IV section 4.12 of the zoning ordinance. Second by Gene, all in favor and unanimously approved. A variance was granted and reads as is:

A Variance to relax the required 100 foot setback requirement from wetlands in order to excavate land and construct a water impoundment for the purpose of providing a source for cooling water for the Power Plant, has been **GRANTED**. By affirmative vote of five members of the Board, a 70 foot Variance has been granted, which allows for the construction of a water impoundment not closer than 30 feet from the wetlands as shown on the plan presented at the hearing. The Final Plan for this project will be

submitted by the Applicant to the Town. Note that this approval rides alongside with the approval for a Special Exception granted even or near even with this approval.

Steve Klein addresses the board states he would like some guidance as he wants to build a mudroom within 100' of the lake. It will be non-living space. The board advises him that they really aren't allowed to give advice. They don't write the ordinances. They advised him that he really needs to go before the planning board for consultation.

Meeting adjourned@ 8:45

Submitted by:

Susan Abair