

**MINUTES OF THE MEETING
LEE ZONING BOARD OF ADJUSTMENT
Wednesday, February 21, 2018
7:00 PM**

MEMBERS PRESENT: Jim Banks, Chairman; John Hutton; Frank Reinhold, Alternate (Couse only); Peter Hoyt, Alternate (Eversource only); Craig Williams, Alternate (Couse only) & Don Quigley, Alternate (Eversource only).

OTHERS PRESENT: Chris & Stacy Fenerty; Anne Tucker; Matthew Carden, Adele Fiorillo; Mathew Flanders; Naithan Couse; Irene & Steve Boisvert; Bill Booth, Building Inspector and Caren Rossi, Planning/Zoning Administrator.

The Board determined that Peter Hoyt & Don Quigley would vote for Eversource only and Frank Reinhold and Craig Williams would vote for Couse only.

(ZBA1718-07)

Normandeau Associates, on behalf of Eversource Energy, is requesting a special exception to Article XV, E (1) to allow proposed maintenance on existing structures within an existing utility transmission right-of-way (ROW) in the Wet Soils Conservation Zone, or within 75 feet of any wetland area. The request is to the 2017 Lee Zoning Ordinance. The properties under consideration are as follows: Tibbetts, Larry 86 Pinkham Rd PID#04-01-0200; PSC OF NH, Calef Hwy, PID#04-01-0300 & Pinkham Rd PID#04-06-0100; Fenerty, Christopher & Stacy, 58 Snell Rd, PID #02-03-0200 and Murphy, Patrick & Cheryl, Snell Rd, PID#02-03-0600.

John Hutton, Clerked.

Adelle Fiorillo explained the application. She explained that Eversource will be doing maintenance to the existing line and changing out wooden poles with metal poles that are in need of replacing. She pointed out the poles on plans submitted. They delineated the wet soils in the areas of need. Timber matts will be installed to keep the disturbance of the soils at a minimum. There is no impact to the buffer. There are 5 work areas.

Jim Banks, Chairman asked if the old poles would be coming out?

Matt Carden explained that they install the new poles and then move over

the wires. The poles in the wetsoils are typically cut off at the base, which is less disturbance and then the others not in the wetsoils will be removed.

Craig Williams asked how tall the new poles are?

Matt Carden explained that #119 will be 5' taller; #120 same height; #121 will be 5' taller; #112 & #113 will be the same.

Jim Banks, Chairman asked if the entire line will be replaced with metal poles?

Matt Carden explained yes, but they need to prioritize the replacements.

Don Quigley asked if the matts will be sanitized?

Matt Carden replied yes, absolutely.

Craig Williams asked how long the project will take?

Matt Carden replied each pole will take 2-3 days with the exception of #121 will take 3-4 days.

Jim Banks, Chairman asked when it will start?

Matt Carden replied late March to mid April is the projected time frame, weather permitting.

Public comment

Chris Fenerty spoke with the area that is in his driveway. It appears on the plan the access to their house will be block during the work. The box encompasses the driveway. They will need to work with the contractor as to not block their access to their house. Matthew Flanders will work with them on this issue.

Floor closed.

Caren Rossi read the letter from the Lee Conservation Commission, they have no issues with the proposal.

The Board determined the Following Findings of Facts for a Special Exception:

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) No: _____

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) No: _____

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) No: _____

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

Yes: _____ No: _____ **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: _____ No: _____ **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: _____ No: _____ **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 Normandeau Associates, on behalf of Eversource Energy, is requesting a special exception to Article XV, E (1) to allow proposed maintenance on existing structures within an existing utility transmission right-of-way (ROW) in the Wet Soils Conservation Zone, or within 75 feet of any wetland area. The request is to the 2017 Lee Zoning Ordinance. The properties under consideration are as follows: Tibbetts, Larry 86 Pinkham Rd PID#04-01-0200; PSC OF NH, Calef Hwy, PID#04-01-0300 & Pinkham Rd PID#04-06-0100; Fenerty, Christopher & Stacy, 58 Snell Rd, PID #02-03-0200 and Murphy, Patrick & Cheryl, Snell Rd, PID#02-03-0600.

Peter Hoyt Second.
Vote: majority, motion approved.

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

.....
(ZBA1718-6)

Naithan Couse is requesting a variance to Article V, Residential Zone, Permitted Uses. The applicant wishes to construct commercial storage units. The request is to the 2017 Lee Zoning Ordinance. The property is located on 10 Fox Garrison Road/Calef Highway and is known as Tax Map #19-07-0900.

John Hutton clerked.

Nate Couse explained he has 22 acres and he would like to subdivide and develop the south side of the land. He would like to put a 2nd entrance in and an easement for his existing landscaping company to be able to use this entrance as well. He would like to construct 5 – 10,000 sq ft commercial storage buildings for tradesmen. Each unit will be 2,000 sq ft, with 5 per building. Not retail use. Carpenters, plumbers, electricians etc.

Jim Banks, Chairman asked how much road frontage he had.

Nate Couse thought about 800 feet, very hard to read on the plan.

Jim Banks, Chairman asked why the dog leg of land in the back?

Nate Couse replied for density/ impervious coverage.

Frank Reinhold asked what he is doing with the slope?

Nate Couse explained he will be lowering it and regrading it.

Craig Williams asked if it will be office space?

Nate Couse explained no, supply storage. But each unit will have a bathroom.

Frank Reinhold asked what the time schedule is?

Nate Couse explained most likely in phases. 1st phase is the site work, 2nd is 2-3 building, 3rd finish buildings.

John Hutton asked when completed?

Nate Couse 3 years from now.

Craig Williams asked if people could live in there?

Caren Rossi replied no.

Jim Banks, Chairman asked if it would be heated?

Nate Couse replied yes.

Public comment

Matt Dwyer spoke against the application with concerns of hours of operation, lighting and difficult to regulate. And expansion.

Irene Boisivert, 30 Demeritt Ave, direct abutter, spoke with concerns of lighting, traffic, noise, hours, headlight glare into their property. Totally against application. Sounds like an industrial park in a residential zone. The existing use is bad enough. This is their home, not the commercial zone. Historically expanding this area to commercial has been voted down.

Steven Boisivert, 30 Demeritt Ave, direct abutter. This proposal blows his mind. This is huge. They will need to excavate, 2 times the town has voted down the commercial expansion of this area. He has issues with lighting, glare, traffic, noise etc. This proposal is in his back yard, lights glaring in his house. Noise etc. Against it. Zero benefit for the neighborhood.

Mitch Crosby- 4 Demerit Ave spoke with issues of the existing lights and more lights. It's looking like a mall. What about the oil drippings of the vehicles. He can see this turning into an all-night repair shop.

Anne Tucker 44 Demeritt Ave spoke with concerns of the historic area, preserving the residential character of the town. This will take away from the residential character of the town.

Irene Boisivert spoke that this if approved will diminish their property value.

Jim Banks, Chairman asked Nate if he wished to continue the application to get more information to address the neighbors' concerns.

Caren Rossi explained that if the application is denied, by law, you can't reapply for the same application without it being substantially different.

Floor closed

John Hutton stated he felt there was too many issues to be addressed for him to be in favor of the request. Lighting, traffic, hours, types of business, buffer etc. Too many restrictions

Frank Reinhold agreed.

Craig Williams agreed.

Shawn Banker agreed too.

Nate Couse asked to withdraw the application.

Board agreed.

John Hutton made a motion to adjourn the meeting at 8:20PM.

Frank Reinhold second.


Vote: Majority

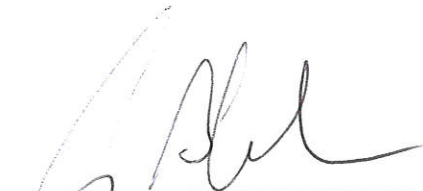
MINUTES TRANSCRIBED BY:

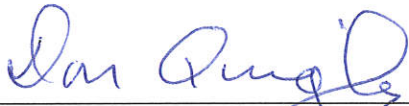

Caren Rossi, Planning & Zoning Administrator

MINUTES APPROVED BY:

Jim Banks, Chairman


John Hutton


Craig Williams, Alternate



Don Quigley, Alternate



Frank Reinhold, Alternate



Shawn Banker