



TOWN OF LITCHFIELD

LITCHFIELD ZONING BOARD OF ADJUSTMENT

Litchfield, New Hampshire

August 14, 2019

DRAFT

Regular meetings are held at the Town Hall at 7:00 pm on the 2nd Wednesday of each month.

ZBA Members in Attendance (indent if absent):

Richard Riley, Chairman

John Regan

Albert Guilbeault

John Devereaux

Thomas Cooney (alternate)

Eric Cushing (alternate)

Greg Lepine (alternate)

Mark Falardeau (alternate)

Laura Gandia, Vice Chairman

I. **CALL TO ORDER AND ROLL CALL**

Richard Riley called the meeting to order at 7:10 pm. He took attendance. Alternate, Mark Falardeau was appointed by the Board to sit in for Al Guilbeault; Greg Lepine was appointed by the Board to sit in for John Regan for a full quorum.

II. **CHAIRPERSON OPENING REMARKS**

- Review schedule for hearings

Case Number: 2019-05A

Name of Applicant: Theroux Properties, LLC

Owner of Property: Theroux Properties, LLC

Location of Property: 522 Charles Bancroft Highway, Map 22, Lot 11

The Applicant seeks a variance from Section 1254(b) to permit subsurface transmission of gasoline pipeline from above ground storage to above ground pumps in the Aquifer Protection District.

Case Number: 2019-06

Name of Applicant: Eversource Energy

Owner of Property: Eversource Energy

Location of Property: 12 Midway Avenue, Litchfield, NH 03052, Map 15, Lot 25

The Applicant seeks a Special Exception from LZO 1208 to allow for installation of motor operated switches, related equipment and infrastructure updates including a permanent gravel access drive.

The project will impact the following:

- a. 2,517 S.F. Permanent Wetlands Impacts
- b. 9,154 S.F. Temporary Wetlands Impacts
- c. 27,073 S.F. Wetland Conservation District Buffer Impacts

Name of Applicant: Continental Paving

Owner of Property: Mark Charboneau

Location of Property: 517 and 519 Charles Bancroft Hwy, Litchfield, NH 03052, Map 22, Lot 8

The Applicant seeks a Special Exception from LZO 1208 for proposed parking improvements. The project will impact approximately 1375 sf of wetland buffer.

Case Number: 2019-10

Name of Applicant: Jill Charbonneau Revocable Trust

Owner of Property: Mel's Funway Park, LLC

Location of Property: 454 Charles Bancroft Highway, Litchfield, NH 03052, Map 20 Lots 14,15,16,17.

The Applicant seeks an appeal of decision of the Building Inspector and Town Administrator/Interim Zoning Administrator to modify a site plan to enclose three existing pole barns without the Planning Board reasoning entered into record.

Richard Riley reported that Case 2019-10 would not be heard tonight due to an error in the date published in the public notice. The date published to hear the case was listed as August 14, 2019 in the Hudson Litchfield News but the abutter notices listed the hearing date as September 11, 2019. He recommended the case be continued to September 11, 2019.

Laura Gandia made a motion to continue Case 2019-10, Jill Charbonneau Revocable Trust, to September 11, 2019 due to incorrect public notice. Greg Lepine seconded. The motion carried 5-0-0.

Case Number: 2019-04

Richard Riley reminded the board that this case was continued from last month, and had expected to be heard at the meeting tonight. Richard Riley reported that he had heard from both the applicant and the Interim Zoning Administrator that they would like to have the case continued for another month. He recommended the case be continued to September 11, 2019.

Laura Gandia made a motion to continue Case 2019-04, Denise Bernard, Van Teneck, Inc., to September 11, 2019. John Devereaux seconded. The motion carried 5-0-0.

III. PUBLIC HEARING AND DELIBERATION

Notices of the Public Hearings were posted and published in the Hudson-Litchfield News. Notice of the meeting and agenda were posted at the town hall and public library.

Richard Riley called Case #2019-05A. He read aloud the request for a special exception to the Litchfield Zoning Ordinance.

Case Number: 2019-05A

Name of Applicant: Theroux Properties, LLC

Owner of Property: Theroux Properties, LLC

Location of Property: 522 Charles Bancroft Highway, Map 22, Lot 11

Appeal Requested: The Applicant seeks a request for Special Exception from LZO Article 1250, Section 1254(b) to permit subsurface transmission of gasoline pipeline from above ground storage to above ground pumps in the Aquifer Protection District.

Morgan Hollis, Attorney, representing Theroux Properties.

Richard Riley announced Laura Gandia recused herself from the case. He noted that there are four members hearing the case and asked if the Applicant would like to move forward.

The Applicant decided to move forward with the four member board.

Attorney Hollis indicated the Applicant, Rene Theroux, is present and the property is located in the Northern Commercial District and Aquifer Protection District. The Board previously approved in July the variances and special exceptions for the project to proceed, but the exception for the underground pipeline was inadvertently not included at that time in the initial application. He noted the underground pipeline is not allowed in the Aquifer Protection District according to the Zoning Board ordinances and requires a special exception to permit the subsurface transmission of gasoline from the above ground storage tanks to the above ground gasoline pumps.

Michael Redding, Loureiro Engineering, provided information regarding the underground piping system. He recapped that at the July meeting, he shared information regarding the reliance of technology as justification for the decision to use above ground storage tanks. He assured that the methods they will be installing and using will provide protection of the aquifer. The FlexWorks Piping System has been developed through numerous years of expertise to overcome the concerns of the Aquifer Protection District. The piping consists of a double walled system that fits loosely inside a third outer shell for the protection of leakage. It is a triple barrier system rated for both suction and pressure and will be monitored consistently. The piping is so robust that confidence is high the detection system will never be used. The loose fitting third wall allows access to the inner piping. The outer flex wall is to provide protection against leaks and protection to the inner double walled piping. The coupling is well designed to allow it to slip onto the piping easily. All pipe runs will be jointless. The fitting is also double walled and allows for a tube to connect to the monitoring system. The piping will be resistant to weather and chemicals. Penetration fittings will meet all flammable liquid compliance. This is a fully integrated underground system and is accessible all the time. When OPW initially began putting the system together, they recognized there were failures that were out of their control and wanted to fix the vulnerabilities. They engineered a system to remove the point of failures during construction.

Richard Riley asked if there are other piping systems that could have been used? Is this best practice today or above and beyond best practice?

Michael Redding indicated this is best practice technology.

Richard Riley asked others are available, but do not have the abilities to monitor connections and leaks?

Michael Redding indicated that is correct and this system meets 40 CFR compliance (federal).

Richard Riley asked what is done to prevent accidental digging up of a pipe like this? How do they know where the pipes are?

Michael Redding explained that a tracer line will be installed; however, the beauty of this system is that there is no need to dig up the concrete or pavement because if a replacement is needed, the inside piping is retractable from above.

Richard Riley asked when a leak is encountered is there required reporting involved to any agencies?

Michael Redding indicated that the monitoring of all ports is required and reporting is provided to the NH Department of Environmental Services. He noted there are two or three agents that dedicate their job to the rules for underground piping and gasoline systems.

Richard Riley asked if active monitoring is done by the gas station only or is it connected to the Fire Department?

Michael Redding indicated if a leak is discovered, it is reported to the State and a call to the Fire Department could be activated.

Richard Riley asked if gas stations train employees to deal with those situations?

Michael Redding indicated that employees are typically trained to monitor and report for leaks. A professional company is contracted to take care of any leaks or spills. The piping is made of PEDF (Kynar), which makes it flexible as well as strong. It is mostly used in high chemical manufacturing with harsh environments and constant temperature change. OPW has recognized that the sweating of the fitting is possible and invented the one continuous pipe to avoid fitting leaks. In addition to the double wall construction and sensors, this pipe will have a monitor installed to detect leaks. The outer pipe is designed so that a smaller inner pipe can be installed with no stress or strain. There will be pressure testing of all pipes once installed, which will be done by an independent party and then it will be backfilled. Once it is backfilled, it will be tested again and will come with certification to be shared with the town. There will be three tanks for unleaded fuel, plus and super, as well as a diesel pump.

Greg Lepine asked about the life of the pipes

Michael Redding indicated that the life span is approximately 50 years.

Greg Lepine asked about the life of the detectors.

Michael Redding indicated that they are 10 year lines that need to be inspected and maintained, and replaced at some point.

Greg Lepine asked if the plastic used will add to PFOAs.

Michael Redding indicated that It is safe for the environment and will not add to the PFOAs.

Attorney Hollis addressed the criteria for the variance.

1. The variance will not be contrary to the public interest because the proposed use as a gas station with subsurface transmission of gasoline through pipelines from above ground tanks to the above ground pipes will not be seen. The proposed construction will not threaten public health, safety or welfare as the system is designed to control the flow of gasoline to limit the amount of gasoline in the pipes to a finite amount and the OPW system has protections built in with notification systems for leaks.
2. The spirit of the ordinance is observed because this system will protect the environment due to the design and protections included in the system and will not change the character of the neighborhood.
3. Substantial justice is done because a gas station is a permitted use by special exception in the Northern Commercial District; however, to functionally operate a gasoline station, the gas needs to be transmitted from the storage tank to the pumps through subsurface pipelines.
4. The values of the surrounding properties are not diminished because the piping will be underground and not visible to the public and will be regularly monitored. A letter from Chet Rogers, Real Estate Appraiser, indicates that analysis of the variance request, the location of the parcel and effects on the surrounding properties reflect no wells in the vicinity and no abutters will be impacted.
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because no fair and substantial relationship exists between the general purpose of the ordinance and specific application of that provision to the property. The subsurface transmission of gasoline to the pumps will be consistently monitored and any leak will be detected immediately, and any leak amount will be finite. The Board has granted several variances and special exceptions in July. Construction of a gas station on this

property without subsurface transmission of gasoline through pipelines cannot be reasonably accomplished.

Richard Riley asked for an outline of the layout of the property, the location of the above ground tanks and distance to the pumps.

Michael Redding indicated the tanks will be out of the way of the normal traffic pattern on the northern part of the property to allow for ease of delivery, with an adequate buffer.

Attorney Morgan pointed out that the plan shows the approximate location of the proposed pumps and tanks, and the Planning Board has to approve the plan if the Zoning Board approves the exception.

Richard Riley commented he has seen trucks filling underground tanks in other gas stations and asked if they are filling into a containment system. He also asked if there is a risk of leaks when filling occurs.

Michael Redding indicated the drivers are trained and there is a cam lock system that verifies a seal before the pumps turn on.

Richard Riley asked if the Conservation Commission was approached regarding this specific system and if they discussed the revision of the ordinance to include gas stations in the special exception.

Attorney Hollis indicated they presented the information to the Conservation Commission at the time the project was presented. He noted the Committee did not discuss the revision to the ordinance, but they did support the proposal for the above ground tanks and underground piping system.

Richard Riley indicated there is nothing in writing from the Conservation Commission regarding this exception.

Greg Lepine asked if this system is commonly used in newer gas stations.

Michael Redding indicated that the system by owners that want to spend the money to know the system will provide efficiency and protection from leakage.

Richard Riley commented that it appears we are hearing the owner has chosen to use a system that is of a higher standard than is required to be used. He indicated that is important when dealing with an Aquifer Protection District.

Richard Riley opened the hearing to public input. Hearing none, he asked for a motion to close public input.

Greg Lepine made a motion to close public input. John Devereaux seconded. The motion carried 4-0-0.

PART I

1. A request for Special Exception from LZO Article 1250, Section 1254(b) to permit subsurface transmission of gasoline pipeline from above ground storage to above ground pumps in the Aquifer Protection District.

1. Contrary to Public Interest:

John Devereaux commented the public interest was more about protecting the aquifer and not with the piping being above or below ground. He indicated after hearing the testimony, the public interest is to bury the piping underground using this high technology. He believes the criteria has been met.

Greg Lepine and Mark Falardeau agreed.

2. Spirit of the Ordinance:

Richard Riley believes the spirit of the ordinance is met because of the protection the system will provide.

3. Substantial Justice:

Richard Riley commented that the use has been approved and the pipelines are needed to transmit the fuel.

4. Diminished Value to Surrounding Properties:

Richard Riley indicated there is no diminished value to surrounding properties and no impact to health, safety and welfare.

John Deveraux commented that the unique part of the property is what we discussed when the gas station was presented at the last meeting.

5. Unnecessary Hardship:

Richard Riley indicated that the statement about fair and substantial relationship is met and consistent to providing protections regarding concerns about the aquifer.

John Devereaux made a motion to approve the variance for a Special Exception from LZO Article 1250, Section 1254(b) to permit subsurface transmission of gasoline pipeline from the above ground storage to the above ground pumps in the Aquifer Protection District with the stipulation that the OPW system presented is used. Greg Lepine seconded. The motion carried 4-0-0.

Case Number: 2019-06

Name of Applicant: Eversource Energy

Owner of Property: Eversource Energy

Location of Property: 12 Midway Avenue, Litchfield, NH 03052, Map 15, Lot 25

Appeal Requested: The Applicant seeks a Special Exception from LZO 1208 to allow for installation of motor operated switches, related equipment and infrastructure updates including a permanent gravel access drive.

The project will impact the following:

- a. 2,517 S.F. Permanent Wetlands Impacts
- b. 9,154 S.F. Temporary Wetlands Impacts
- c. 27,073 S.F. Wetland Conservation District Buffer Impacts

Richard Riley reported that he received correspondence from the Planning Board that he will enter into the record.

Elizabeth LaRocca, Community Relations Specialist for Eversource Energy, explained that this is called the W157 Tap Transmission Improvement Project. The Eversource Team in attendance included Sam Harris, Transmission Project Manager, Kurt Nelson, Senior Licensing and Permitting Specialist, Sarah Hoodlet, Project Outreach, Nick Golon, Senior Project Manager. She reviewed the utility system overview and noted the generation of fuel used to produce electricity routes to the substation and transmits through the lines (distribution system) to the customers. Our goal is to improve transmission reliability by adding motor operated switches to reduce wait time for manual operation or switching.

Nick Golon, Sr. Project Manager, indicated that this will occur on Eversource's portion of the Passaconoway Golf Course. The primary work being done is adjacent to Charles Bancroft Highway. There are some

permanent wetlands impacts, some temporary impacts and buffer impacts. The wetlands being impacted and buffers have been previously impacted by the Eversource easement and subject to the existing golf course. 2800 sf of impact is permanent, which is within the site driveway and the temporary impacts will be from wetland mats that will be laid down so equipment can access the area.

Richard Riley commented those areas impacted temporarily should return to their original state.

Nick Golon indicated prior to the meeting Eversource acquired a host of permits, including one from the FAA due to the height of the poles and location of the project to the airport.

John Devereaux asked for a total number of poles affected by the project.

Nick Golon indicated there are six poles. FAA permits have been acquired, as well as a DOT driveway permit. The driveway is required to be 250 ft. from Hillcrest Road and it provides 450 ft. of sight in all directions. The driveway will be built and used for trucks to park when they are pulled off of the road.

John Devereaux asked what kind of services or automations are involved and what is the underlying goal for the company and consumer?

Nick Golon indicated that the project is reliability driven. Eversource evaluates infrastructure for weak points. Here there are three lines intersecting and the only way to fix those lines is to send out a crew. This project will allow us to effect switching of transmission lines without sending out a crew and will reduce outage time to get power out more quickly to the customer.

Sam Harris, Transmission Project Manager, explained that line H123 runs north to south; W157 runs east to west and our taps, or jumpers, run between the lines and creates a single circuit. We are trying to sectionalize that. Currently crews have to manually switch the transmission lines and this will allow us to do this remotely for faster power restoration.

Nick Golon commented as part of the Wetlands Dredge and Fill permit, we applied with Historical Resources and the permit has been approved. We have coordinated with NH Fish and Game, NH Wildlife and sent out an environmental scientist to determine rare and protected species. We have correspondence regarding meeting requirements from the Natural Heritage Bureau. Jurisdictional process required permits from HDS and Army Corps of Engineers and all permits have been approved.

Nick Golon indicated the Special Exception criteria dovetails on the information provided in writing with the application. The scope of the project is to design a means for sectionalizing the W157 tap by remotely controlled line disconnect switches. This will include installing 3 115-kV motor operated disconnect switches, associated control cabinet, remote terminal unit, mounting platform including access and station service which will be pole mounted approximately 5 ft. from ground to the middle of the tallest equipment enclosure on a nearby transmission structure. Updates to the existing utility infrastructure controls will be made to facilitate reliability improvements and a permanent gravel access drive with paved apron is proposed for access for future inspection and maintenance of the infrastructure.

1. Proposed use, construction and/or alteration shall be constructed in such a way that does not unduly restrict the flow of water because best management practices (BPMs) are proposed for the pole installation in accordance with the BPMs Manual for Utility Maintenance in and Adjacent to Wetlands and Waterbodies in NH. The proposed construction will not significantly modify drainage flow paths. Design and construction methods will be used to minimize detrimental impact upon the wetland and the site will be restored as nearly as possible to its original condition.
2. The proposed use is not in conflict with any and all of the purposes and intentions listed in Section 1200.01 because granting the exception will allow Eversource to provide continued reliable service to

its customers in the immediate and surrounding areas.

3. The use or activity proposed and its impacts cannot reasonably be avoided because they are located in areas of previous disturbance and the existing utility poles and overhead lines on a permanent easement owned by Eversource. The proposed driveway has been located in accordance with NH DOT driveway requirements to provide suitable site distance for safe travel and entering/exiting movements from the driveway.
4. The least damaging route and methodology have been selected, and the best practice alternative is being proposed because the existing easements have been used to reduce impact to the wetlands; use of overhead distribution lines supported by utility poles provides the least impact to areas of wetland jurisdiction; replacing the line in its current location and utilizing the existing poles is the least impactful option for the project; access routes for replacement of poles were selected to minimize wetland crossings; construction activities will be scheduled during drier months to minimize potential impacts.
5. Reasonable impact mitigation methods have been proposed for adjacent wetlands and water bodies using BMPs for Utility Maintenance in and Adjacent to Wetlands and Waterbodies in NH and swamp mats will be used to access poles located within wetlands. Sediment and erosion controls are proposed at the perimeter of the work to trap construction related sediment and prevent downstream discharge. There is no significant impact on endangered species or habitats and the site was reviewed for two rare/endangered species and found there will be no impact.
6. No significant impact on the aquatic habitat of rare or endangered species as listed by the State of NH or federal government because the project site has been reviewed for the two species listed (unpretentious yellow-seeded false pimpernel and New England Cottontail) and no habitats within the limits of the proposed work site was found.

Richard Riley commented that there seems to be a conflict regarding the Cottontail. He indicated that the site was visited last week and significant shrub growth has been found. He noted this is the mating season for the Cottontail.

Nick Golon commented there is potential for the species to be there, but we took adequate measures to minimize shrub removal and impact to the habitat. He indicated that an application for a minor impact wetlands permit was made to the NH DES Wetlands Bureau and is pending.

Richard Riley summarized a letter from the Planning Board:

At the August 6, 2019 meeting we heard from Eversource about the transmission lines project, which requires a special exception. Eversource has been before the Conservation Commission, which supports the project. According to the note section of the plan, it appears the purpose of the plan is to show the wetland impact areas. This project has reasonable impact and allows for the replacement of lines to be done more efficiently and reduce outages. Eversource has acquired all permits, all abutters were notified and have few concerns. The Conservation Commission voted to send a letter of support recommending that the ZBA grant the special exception.

Richard Riley indicated that at this time there is nothing in writing from the Conservation Commission. He asked how the meeting went.

Nick Golon indicated that it was a good meeting in which they had the opportunity to spread the word about the benefits of the project and explain the minimization of the wetlands impacts.

Richard Riley asked if they expressed any stipulations or concerns.

Nick Golon commented that they did not have stipulations or concerns.

Richard Riley opened the hearing to public input.

Mark Charbonneau, 401 Charles Bancroft Highway, spoke in favor of the project. He indicated in 30 years he has never seen a rabbit at the golf course.

Hearing no further input, Richard Riley asked for a motion to close public input.

Laura Gandia made a motion to close public input. John Devereaux seconded. The motion carried 5-0-0.

PART 1

1. A request for a Special Exception from LZO 1208 to allow for installation of motor operated switches, related equipment and infrastructure updates including a permanent gravel access drive.

The project will impact the following:

- a. 2,517 S.F. Permanent Wetlands Impacts
- b. 9,154 S.F. Temporary Wetlands Impacts
- c. 27,073 S.F. Wetland Conservation District Buffer Impacts

Criteria 1: Does not restrict the flow of water:

Richard Riley indicated the map shown and facts presented around the right of way and DOT requirements seems that there will be no impact.

Criteria 2: Proposed use in conflict of purpose of ordinance:

Laura Gandia indicated that the information presented reflects benefits for the project and the utilization of the best approach possible for the impact to the wetlands.

Criteria 3: Use of activity and impact cannot reasonably be avoided:

Laura Gandia commented on the location of the poles.

John Devereaux indicated the easement already exists.

Criteria 4: Least damaging route of methodology:

Laura Gandia indicated that ties in with the best approach for the impact to the wetlands.

Criteria 5: Minimize wetland loss and degradation:

Greg Lepine indicated they plan to do the work during the time of year and they are using wetland mats.

Criteria 6: Impact on habitat of rare and endangered aquatics:

Laura Gandia indicated they stated they will abide by the recommendations received from the State agencies.

Criteria 7: Adequate erosion controls:

Greg Lepine indicated they are using temporary sediment control barriers and wetland mats, and are following all the requirements.

Criteria 8: State wetlands permits required have been obtained:

Laura Gandia indicated they have obtained all the State wetland permits.

Richard Riley indicated they meet all the criteria for the exception.

Laura Gandia made a motion to grant a Special Exception from LZO 1208 to allow for installation of motor operated switches, related equipment and infrastructure updates including a permanent gravel access drive. Mark Falardeau seconded. The motion carried 5-0-0.

Name of Applicant: Continental Paving

Owner of Property: Mark Charboneau

Location of Property: 517 and 519 Charles Bancroft Hwy, Litchfield, NH 03052, Map 22, Lot 8

Appeal Requested: The Applicant seeks a Special Exception from LZO 1208 for proposed parking improvements. The project will impact approximately 1375 sf of wetland buffer.

Jim Petropulos, HSI, Civil Engineer, explained that the location of the property is across the street from the proposed gas station in the Northern Commercial District. Abutters include Continental Paving, NE Power and Charles Bancroft Highway. There are plans to subdivide this lot into two lots. There is a small vacant home on the property and south of Leach Brook is a building that is hidden and has been used by Continental Paving for equipment repair.

Leach Brook has a 50 ft. no disturbance buffer. The plan is to enhance the aesthetics of the building south of Leach Brook. A gravel driveway and equipment storage are planned. The parking area will contain 20 new spaces. The storm water will be directed into a basin that currently exists and a 12 inch outlet will be constructed to avoid erosion. The outlet extends under Charles Bancroft Highway, which is where the water runoff will be directed.

Mark Charboneau indicated they are moving the driveway and it will become a road connecting to Albuquerque Avenue. The drainage will be for the road.

Jim Petropulos addressed the Special Exception criteria.

Criteria 1: Proposed use does not unduly restrict flow of water:

The outlet to the proposed basin will be constructed roughly 30 feet from the brook itself and will not restrict the flow of water.

Criteria 2: Proposed use is not contrary to ordinance:

The proposed design does not impact any wetlands. A portion of the buffer impact is in an area that was previously disturbed. The pipe outlet from the stormwater basin to the edge of the wetland is the proper way to convey runoff to the wetland.

Criteria 3: The use and activity of the proposed and its attendant impacts cannot be reasonably avoided:

The stormwater management area needs an outlet for extremely large storm events. Leach Brook is the ideal and only location for such an outlet because of its proximity to the basin.

Criteria 4: Least damaging route and methodology have been selected is the best practicable alternative:

The outlet pipe has the smallest buffer impact. Pulling the outlet out of the wetland buffer would result in overland flow that could cause erosion in its close proximity to the brook.

Criteria 5: Reasonable and acceptable impact mitigation measures incorporated to minimize wetland loss:

Measures will be taken to prevent the degradation of the wetland and control storm water that could impact the wetland.

Criteria 6: No significant impact on rare/endangered species:

A portion of that buffer has been previously disturbed and there are no direct wetland impacts proposed as part of the project. When filing with the State, it was learned there are no rare or endangered species located on the site.

Criteria 7: Adequate erosion control and sedimentation control methods are appropriate:

A number of erosion control measures and storm water drainage in accordance with the NH DES BMP worksheet are being implemented. The apron designs at the culvert outlets and the basin outlet pipe will reduce the velocities of moving water and prevent erosion.

Criteria 8: State wetlands permits required have been obtained

There are no wetlands permits required by the NH DES because there is no impact associated with this project. A permit by the NH DOT has been obtained. At the June 6, 2019 Conservation Commission meeting, the committee indicated they supported the project.

Richard Riley asked for clarification on Criteria #6. He asked who they applied to.

Jim Petropulos indicated the Natural Heritage Bureau determined if there were any recordings of rare/endangered species and there were none witnessed on this property.

Richard Riley opened the hearing for public input. Hearing none, he asked for a motion to close public input.

Laura Gandia made a motion to close public input. John Devereaux seconded. The motion carried 5-0-0.

PART I

Criteria 1: Proposed use and alteration does not unduly restrict flow of water:

Laura Gandia indicated the intrusion is only to the buffer and the flow of water from the brook is not restricted.

Criteria 2: Use not in conflict with ordinance

Laura Gandia indicated they chose the least impactful method and location to provide for storm water management.

Criteria 3: Impact cannot be reasonably avoided:

Richard Riley indicated storm water management directs overflow of brook into the stream under Charles Bancroft Highway.

Criteria 4: Best practicable alternative:

Laura Gandia commented they are proposing to make a swale to direct the water and avoid erosion.

Criteria 5: Reasonable impact mitigation methods on wetlands loss:

Greg Lepine indicated there is no wetland loss.

John Devereaux commented the impact to the buffer protects the wetlands.

Criteria 6: No impact to rare and endangered species:
Greg Lepine indicated that none have been observed in this area.

Criteria 7: Adequate erosion and sediment control being used:
Greg Lepine indicated the pipe will prevent erosion and direct water to the culvert.

Criteria 8: State permits obtained:
Laura Gandia indicated no permits are required as there is no wetland impact.

Laura Gandia made a motion to grant a Special Exception from LZO 1208 for proposed parking improvements. John Devereaux seconded. The motion carried 5-0-0.

III. COMMUNICATIONS AND OTHER BUSINESS

There were no communications or other business.

IV. ADJOURNMENT

John Devereaux made a motion to adjourn the meeting and Greg Lepine seconded the motion. The motion passed 5-0-0.

The meeting was adjourned at 9:21 p.m.

Respectfully submitted,
Michele E. Flynn