



TOWN OF LITCHFIELD

LITCHFIELD ZONING BOARD OF ADJUSTMENT
Litchfield, New Hampshire December 20, 2021
DRAFT

Regular meetings are held at the Town Hall at 7:00 pm on the 3rd Monday of each month.

ZBA Members in Attendance (indented if absent):

Laura Gandia, Chairman
Albert Guilbeault, Vice Chair
John Brunelle, Clerk
John Devereaux
Kevin Cormier
 Thomas Cooney (alternate)
Kyle D'Urso (alternate)
 Mark Falardeau (alternate)
Jerry Sorenson (alternate)
 Mike Salvo (alternate)
 Mark Benoit (alternate)
Jeff Blackwell, Building Inspector

I. CALL TO ORDER AND ROLL CALL

Laura Gandia called the meeting to order at 7:05 pm. Attendance was taken by roll call.

Attending: John Brunelle; Jerry Sorenson, Alternate; John Devereaux; Al Guilbeault, Vice Chair; Kevin Cormier; Kyle D'Urso, Alternate; Jeff Blackwell, Building Inspector.

II. CHAIRPERSON OPENING REMARKS

Laura Gandia announced there are two cases to hear:

Case #: 2021-12

Name of applicant: Nicolas Couture

Owner of property: Aaron and Caitlin Limoges

Location of Property: 57 Naticook Avenue, Litchfield, NH 03052, Map 9 Lot 54

Appeal Requested

- 1) Variance from LZO Section 1102 for the erection of a new structure (garage and accessory dwelling unit)

Case #: 2021-13

Name of applicant: Public Service Company of New Hampshire

Owner of property: Town of Litchfield

Appeal Requested

Special Exception for 5,699 sf of temporary wetland impact for equipment access and work pad placement and the replacement for one utility structure and optical ground wire for the 380 Transmission Line Structure Replacement Project in the vicinity of Brickyard Drive



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Case #: 2021-13

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Owner of property: Town of Litchfield

Appeal Requested

Special Exception for 5,699 sf of temporary wetland impact for equipment access and work pad placement and the replacement for one utility structure and optical ground wire for the 380 Transmission Line Structure Replacement Project in the vicinity of Brickyard Drive

Logan Young, GZA GeoEnvironmental

Elise Ward, Eversource

Mr. Young indicated the project location is off of Brickyard Drive and just over 5,000 square feet. He noted this is replacement of an existing structure with the replacement of the existing static line with optical ground wire. There are no changes to the existing structures or lines as they currently are. The work is slated to begin early Spring 2022. We will be following all best management practices. For the proposed impacts that will be filed with the State under Utility Statutory Permit Notification, which is still in draft and not yet sent to the State.

Jerry Sorensen asked about the temporary timing noted in the documentation.

Ms. Ward indicated that the impacts are typically temporary for approximately 3 to 6 months. She explained that this line goes from Merrimack to Londonderry with multiple locations that will be addressed.

Al Guilbeault asked if the wetland studies have been done.

Mr. Young indicated that GZA did perform wetland studies in October 2021 and no vernal pools were found.

Laura Gandia asked if there is a difference in height between the wooden pole that is being replaced and the steel pole that will be installed.

Ms. Ward indicated that there is a five to ten foot difference that is required by the current electrical standards. She offered to provide the exact height difference.

Jerry Sorensen commented that within the 3-6 month timeframe there is maintenance to the mitigating elements designed for this project. He indicated that sometimes a project will drag on and be delayed and those mitigating elements start to erode. He noted usually there is a plan to maintain it.

Mr. Young indicated there will be regular monitoring by GZA Construction of the temporary impact materials to ensure they are working as they should. He noted there is also coordination with the construction contractors to ensure they are following the requirements and any other permit requirements.

Ms. Ward commented Eversource also has an internal representative that oversees the crews during the project.

Mr. Young addressed the criteria for the special exception.



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1. *The proposed use, construction and/or alteration shall be constructed in such a way that does not unduly restrict the flow of water because:*

The project proposes temporary impact to one wetland system for the replacement of one structure and the OPGW. The proposed project has been designed to minimize temporary wetland impacts through the use of wetland matting. Matting will be temporarily placed in the wetland to provide appropriate work areas and prevent rutting.

Best management practices include the installation and maintenance of erosion and sediment barriers will be used during construction and post-construction. The areas of temporary impact will be seeded and mulched with an herbaceous seed mix to establish permanent vegetative cover, as necessary, to promote restoration as nearly as possible to its original grade, condition, and vegetated state. Erosion and sediment barriers will be removed from the site after vegetation has been established.

2. *The proposed use is not in conflict with any and all of the purposes and intentions in Section 1200.01 of this Ordinance because:*

This project proposes to maintain the 380 Transmission, which is located within existing and maintained ROWs. The utility structures will be replaced in their current alignment and there is no expansion of the existing ROW or installation of new utility lines. Utility poles will be installed in proximity to the existing poles with minor differences in height and appearance. The poles will be approximately 5-10 feet higher than the existing utility structures due to updated National Electrical Safety Code requirements and are not anticipated to discourage the purposes and intentions listed in Section 100.01 of the Litchfield Zoning Ordinance.

3. *The use or activity proposed and its attendant impacts cannot reasonably be avoided because:*

There are no alternatives with less impact that maintain the safety and reliability of the existing transmission line. The project has been designed to utilize existing historical access routes along the ROW, where possible, to minimize impacts to wetlands.

4. *It can be shown that the least damaging route and methodology have been selected; and that which is being proposed is the best practicable alternative because:*

There are no alternatives with less impact that maintain the safety and reliability of the existing transmission line. The project has been designed to utilize existing historical access routes along the ROW, where possible, to minimize impacts to wetlands.

5. *It can be shown that reasonable and acceptable impact mitigation measures have been incorporated where necessary and appropriate to minimize wetland loss or degradation because:*

The access for the project has been sited to avoid wetlands to the greatest extent feasible. The proposed project has been designed to minimize temporary wetland impacts through the use of wetland matting. Matting will be temporarily placed in the wetland to provide appropriate work and prevent rutting.

Best management practices include the installation and maintenance of erosion and sediment barriers will be used during construction and post-construction. The areas of temporary impact will be seeded and mulched with an herbaceous seed mix to establish permanent vegetative cover, as necessary, to promote restoration as nearly as possible to its original grade, condition, and vegetated state. Erosion and sediment barriers will be removed from the site after vegetation has been established.



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6. No significant impact on the aquatic habitat of rare endangered species as listed by the state of New Hampshire or federal government will result because:

The project will include rare species BMPs as requested by the New Hampshire Fish & Game Department (NHFG). Prior to daily construction activities, timber matting will be reviewed by a monitor trained in wildlife identification and observed turtles and snakes will be moved off construction access roads to limit and prevent mortality to turtles and snakes during construction and will be reported to NHFG. Erosion control matting, if utilized, will consist of jute matting. Matting with plastic mesh will be avoided to limit unintentional mortality to snakes.

7. It can be shown that adequate erosion and sedimentation control methods appropriate to the use are incorporated as detailed by the current recognized BMP's (e.g. Stormwater Management and Erosion and Sedimentation Control Handbook for Urban and Developing Area in NH. Rockingham County Conservation District, NHDES, and Soil Conservation Service, August 1992, as amended because:

The access for the project has been sited to avoid wetlands to the greatest extent feasible. The proposed project has been designed to minimize temporary wetland impacts through the use of wetland matting. Matting will be temporarily placed in the wetland to provide appropriate work and prevent rutting.

Best management practices include the installation and maintenance of erosion and sediment barriers will be used during construction and post-construction. The areas of temporary impact will be seeded and mulched with an herbaceous seed mix to establish permanent vegetative cover, as necessary, to promote restoration as nearly as possible to its original grade, condition, and vegetated state. Erosion and sediment barriers will be removed from the site after vegetation has been established.

8. It can be shown that State wetlands permits, as required, have been obtained because:

This project qualifies for a state Statutory Permit-by-Notification (SPN). SPNs are valid for one year and the SPN is currently scheduled to be submitted during January 2022 due to the current construction schedule of the project.

Laura Gandia asked if the applicant has gone to the Conservation Commission and what the outcome was from that meeting.

Mr. Young indicated they gave their full support for what was presented.

Laura Gandia noted there is a letter from the Conservation Commission that notified the Zoning Board they supported the project. She indicated that the project proposal was reviewed by the Planning Board on December 7, 2021 and they had no comment.

Public Input

Hearing no further questions from the Board, Laura Gandia opened public input.

Hearing no further public input, Laura Gandia asked for a motion to close public input.

Al Guilbeault made a motion to close public input. John Brunelle seconded. The motion passed 5-0-0.



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ZBA Deliberations

John Brunelle asked if Eversource has to come before the Zoning Board every time they have a similar project.

Laura Gandia indicated that any time there is a wetland impact that involves a special exception they have to come before the board. She noted as part of our special exception process it goes to the Conservation Commission, Planning Board and Health Officer.

Laura Gandia asked the Board if they would like to go through the criteria. The Board indicated that it is a straightforward request.

Mr. Blackwell asked that he be contacted prior to the start of construction and upon completion so that he can observe conditions before construction and ensure that conditions are restored after completion of the project.

Laura Gandia noted that if the proposal is accepted the motion indicated it is 'as presented' November 9, 2021 and with the conditions stated by the Building Inspector.

Jerry Sorensen pointed out that the date in Section H needs to be amended to 2022 and the motion should indicate that the proposal was amended.

John Devereaux made a motion in Case 2021-13 to grant the applicant's request for a Special Exception for 5,699 sf of temporary wetland impact for equipment access and work pad placement and the replacement for one utility structure and optical ground wire for the 380 Transmission Line Structure Replacement Project in the vicinity of Brickyard Drive, Public Service Company of New Hampshire (applicant) with the condition that the Building Inspector be notified upon the commencement and completion of the project to ensure that the restoration is complete. John Brunelle seconded. The motion carried 5-0-0.

Case #: 2021-12

Name of applicant: Nicolas Couture

Owner of property: Aaron and Caitlin Limoges

Location of Property: 57 Naticook Avenue, Litchfield, NH 03052, Map 9 Lot 54

Appeal Requested

- I. Variance from LZO Section 1102 for the erection of a new structure (garage and accessory dwelling unit)

Nicolas Couture, Crossroads Contracting

Mr. Couture commented that the owners would like to construct an ADU (Accessory Dwelling Unit) off the right hand side of the house. After working with the Building Inspector it was discovered that the flood maps have changed over the years and the flood plain now encompasses the entire house. Referring to a conceptual drawing of the project, Mr. Couture indicated that the third garage bay is part of the addition, which is an in-law addition that sits directly behind the garage addition. He noted that there is an existing 2 car garage with a dormer on top.

Mr. Couture addressed the application criteria.



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1. The variance will not be contrary to the public interest because:

The proposed addition will not threaten the public health, safety or welfare and will not contribute to additional flooding within the 100 year flood plain.

2. The spirit of the ordinance is observed because:

The addition will not result in additional flooding in the 100 year flood plain by not raising the grade higher than existing and installing openings per the residential code 322.2.1 that allows the basement to fill with water during a 100 year flood.

3. Substantial justice is done because:

It will allow the owner use of their land without impacting the public.

4. The values of surrounding properties are not diminished because:

The proposed addition will increase the home value and be in kind with surrounding homes.

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because:

This property is one of only a few in the neighborhood that is within the 100 year flood plain, which was recently increased, placing the house in the flood plain. The ordinance is to prevent increased flooding, which this addition will not do, therefore we feel it is a reasonable request.

Mr. Couture indicated the plan is to install flood vents inside the foundation itself and the grade directly around the addition will not be affected and the additional earth we dig up will be hauled off site.

Laura Gandia noted that there are additional criteria in this case found in Section 1108 that the applicant needs to prove if the applicant wants a variance.

- a. that the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense.

Mr. Couture noted by adding the flood vents in the foundation and by not raising the grade we certainly will not be causing any additional flooding that would not already be occurring.

- b. that if the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result.

Mr. Couture noted that the installation of the flood vents and not raising the grade will satisfy this criteria.

- c. that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Mr. Couture noted that we are not asking for anything above or beyond what is needed for the addition.

- d. The Zoning Board of Adjustment shall notify the applicant in writing that:
 - 1.) the issuance of a variance to construct below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 to \$100 of insurance coverage; and
 - 2.) such construction below the base flood level increases risks to life and property.



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Mr. Couture noted the owner of the home is here and are duly notified.

e. The written notification shall be maintained with the record of all variance actions.

Mr. Couture assured written notification will be maintained with the record of all actions.

f. The Town shall maintain a record of all variance actions, including the justification for its issuance, and report the issuance of any variance to FEMA's Federal Insurance Administrator in its annual or biennial report.

Mr. Blackwell indicated he will maintain a record of the variance actions and requirements in this criteria.

Jerry Sorensen asked for clarification that the addition will not have a basement.

Mr. Couture indicated it will have a crawl space underneath with no mechanicals.

John Devereaux commented the map shows a base flood elevation line that proceeds through the proposed addition. He asked if that is the 100 year flood line.

Mr. Couture explained there are two lines. There is the Zone AE, which is from the FEMA map and the one you are referring to is an elevation line that is supposed to represent what they were after in the FEMA maps that were done on site by the surveyor. So the FEMA line cuts right through the house, which they are giving general guidance as to where that is going to go and the second line is the more accurate line of where it actually is as far as the flood plain.

John Devereaux asked if the East side closer to Naticook is the higher elevation side or if it is the West side.

Mr. Couture indicated that the side toward the driveway and the street is the high side and the backyard is the low side.

Jerry Sorensen asked for clarification, indicating the map actually shows that the base flood elevation is at 117.9 and you are still proposing the finished floor at the same as existing residents at 121, which is 4 feet above that.

Mr. Couture indicated the finished floor would be above, but the foundation would be below, so any living space would be above it.

Laura Gandia asked if that is where the vents would be or on the foundation.

Mr. Couture indicated there will be some flood vents where they will naturally be closed, but there is a device inside so that if there is any flooding it allows the vents to open and flood right into the basement.

Laura Gandia commented when looking at the FEMA maps she found that all property along the Merrimack have the same flood restrictions. She asked if he could explain the Zone X flood zone on the flood map.

Mr. Couture indicated there's Zone A and Zone X. He was not sure he understood it 100%, but it is the delineation whether you are in the 100 year flood plain or not.



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Laura Gandia noted that FEMA describes Zone X as a moderate flood area and this particular property is the area of moderate flood.

Mr. Couture noted that he believes that is accurate.

Mr. Blackwell indicated part of that area really starts at 53 Naticook Avenue along the back edge right along the Merrimack River, so the back part of almost every property is in the flood plain. He noted once you get to 53 that is where it sort of swings out a bit further away from the river and probably encompasses 3 properties or the better part of those properties.

Laura Gandia commented Criteria 1 talks about health and safety, so the safety precautions you are recommending are the vents. She asked if there are any other recommendations for safety.

Mr. Couture indicated there are no other recommendations that are required and we will not be raising the grade farther than what it is today.

Mr. D'Urso asked for clarification the base flood of 117.9 was put in by you based on your surveyed contour and the larger dashed line is the FEMA line.

Mr. Couture indicated that is correct and that the FEMA map gives a general idea of where it is and the other line is more specific.

Mr. D'Urso commented that his understanding is that FEMA views it from a much, much broader sense of the Merrimack rather than more refined areas.

Mr. Couture commented we were kind of hoping that you can see where our line goes away from the FEMA one a little bit. He noted it was hoped that the addition would be out of the zone, but it is what it is.

Mr. Sorensen commented that the property is definitely sloping and in his opinion when you get up to an elevation of 121, you are probably in a 300 year flood plain. He indicated you can build in the flood plain, but you have to have the right design or pieces, so fortunately in this case the site works with you; the contours work with you. He noted that we talked about the vents and the crawl space and as long as it is not a livable space that is a plus. He commented the only thing is the verification of insurance - the whole point of the insurance is the house gets flooded out, it's a total loss and then it just sits there for years and years. Mr. Sorensen believes there should be some sort of documentation of the flood insurance as part of the addition to make sure that is obtained along with it.

Mr. Couture indicated the homeowner is here today and can speak to that, but I know they have already obtained flood insurance for house because of the existing because the flood line goes through the house as it is.

Mr. Sorensen commented he just wanted to ensure that it was documented because it is probably one of the most important requirements and sometimes they are overlooked.

Public Input

Hearing no further questions from the Board, Laura Gandia opened public input.



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Aaron Limoges, in response to the insurance question we already have flood insurance on our property. He indicated that they have already contacted the insurance company that an addition would be built and they have it on record. He noted once the construction is completed we will be increasing that policy to make sure that it is included. He thanked everyone for their time. He commented that the project means a lot to his family since his in-laws will be moving into the addition.

Mr. Sorensen commented in Mr. Blackwell's letter it talks about the flood plain, but there is also the last section, conditional use permit, so are we going to treat this as detached.

Mr. Blackwell indicated that is going to the Planning Board.

Laura Gandia asked if anyone remembers the Mother's Day flood that took place over on Naticook that year. She commented that is the area on this plan.

John Devereaux commented that he is not sure which side of Naticook that was affected, but he does recall part of Charles Bancroft was flooded.

Laura Gandia recalled that the golf course and the other side of Naticook was flooded.

Kyle D'Urso commented he is sure that was well above the Q 100.

Hearing no further public input, Laura Gandia asked for a motion to close public input.

John Brunelle made a motion to close public input. Al Guilbeault seconded. The motion passed 5-0-0.

ZBA Deliberations

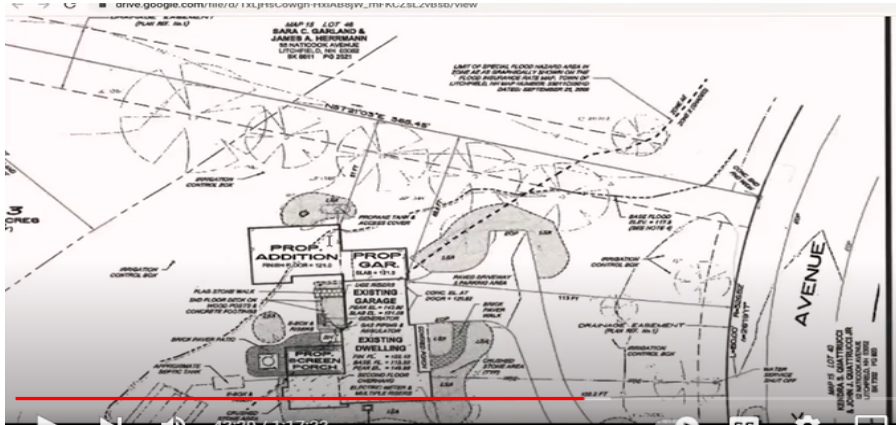
Laura Gandia was concerned with the change in the flood plain. She believes the purpose of the ordinance for Criteria #1 and #2 is that it is to ensure development on land within the district will not endanger the health, safety and welfare of the occupants of the land within the flood plain or the public during the time of flood; that development will not result in increased flood levels during the base flood discharge and encourage the most appropriate use of land within the community. She commented that she is aware the construction is above the flood plain and there are vents underneath, but she is still not convinced that #1 and #2 are met.

John Brunelle commented that Criteria 1 and 2 are met because there is already an existing home there and it's already impacted and how much more is this going to impact it. Laura Gandia commented it is impacting it more.

John Brunelle indicated not the way the lines are showing, from his perspective. He noted it seems the FEMA line goes right through the house anyway, so it's already impacted. Laura Gandia indicated that if you zoom in on that area, there are two lines.



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John Brunelle indicated the line going through the existing home is the FEMA line and the line going through the addition is the surveyed line. He commented that he does not see that as an issue. He noted if it were a new home he would most likely oppose it, but it is an existing home that has already experienced what it has experienced.

Mr. Blackwell commented where the major concerns usually are with this is if you are actually raising the entire elevation of the site. He indicated what they are proposing is that all the material that is dug up for the actual foundation will be removed from the site and you have the exact same elevation through that site and nothing will change. He explained the vents in that foundation will allow whatever water is coming in to drain as it comes in, so it is not going to be displaced elsewhere. Mr. Blackwell commented imagine if all of Naticook Avenue were to be raised up, we would be pushing that water further out to other homes and other properties, but with what they are doing, that elevation of the actual grade is not being affected and the volume of the crawl space and the foundation is not going to occupy any water. The water elevation will not change or be pushed off property.

Kyle D'Urso commented it is not restricting the channel. He explained if you are looking at it like a channel, they are not cutting off part of the channel.

Mr. Blackwell commented if you had a solid basement with no way for the water to come in, you would be displacing that amount of water.

Laura Gandia commented because it would have no place to go, but even with the vents, there is still some measure of water that would be displaced because the whole side of the foundation isn't a vent.

Mr. Blackwell indicated that is correct; it will be the volume of concrete that is below the base flood elevation.

Al Guilbeault asked if the foundation is a slab or a slab frost wall footing.

Mr. Couture indicated it will be an unfinished slab, but honestly anything that the walls displaced would probably be taken up by the basement because the slab is actually going to be lower than the ground a little bit. He was not sure what the measurements are, but believes that it is of equal volume and will result in a net zero impact.

Laura Gandia was concerned that the property is not different from the others in that area as the applicant stated because all those properties along the Merrimack River have the same restrictions regarding FEMA.

Mr. Blackwell indicated that there are 3 properties on the FEMA map and maybe a 4th that are affected, which would be 53, 55, 57 and maybe some of 59.



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John Brunelle commented that the hardship criteria is always the challenge because it can be seen from both sides. He indicated if another applicant came forward with the same request and same considerations of the property, he would have a hard time denying the request. He explained that from his perspective the family is trying to utilize their property to take care of their family.

Laura Gandia noted that is not the legal thesis we are watching for. She indicated the hardship of the ordinance is what makes the property unique from other properties in the area.

Kevin Cormier commented that the back part of the property is unique. Laura Gandia indicated all the properties along the same road have similar restrictions.

Kevin Cormier commented if you are talking about the back part of the addition, where does the line compare to where they are or not.

John Devereaux believes the flood lines themselves create uniqueness in this property, but Mrs. Gandia's concern is on whether there is a hardship associated with that uniqueness.

Laura Gandia commented that she struggles with how this property is different from the other properties that have flood lines. She indicated that the line may cross differently on this property, but then using that as a basis could mean that every property would be unique.

Jerry Sorensen commented that it is difficult to see the uniqueness on the map, but that is why he went out to the property. He indicated that seeing it and the lay of the neighboring homes is telling. He noted that the other properties sit a bit lower and this plan may not work on their property. He commented it is not that you cannot build in a flood plain, it is that you have to build properly in a flood plain.

Laura Gandia asked the Board to go through the criteria.

1. The variance will not be contrary to the public interest because:

John Devereaux commented that the proposed use will not be contrary to public health, safety and welfare because there is no change to the flood plain throughout the neighborhood and there is no effect on it. It does not worsen the neighborhood and it does not change their own susceptibility to flooding.

Laura Gandia commented how do we know that. She asked if there is enough information to make that determination.

John Brunelle commented that the building inspector provided some insight that corroborates that determination.

2. The spirit of the ordinance is observed because:

John Devereaux commented that it would not violate the spirit of the ordinance because it would not change the living conditions of the house.

Kyle D'Urso commented that with the vents they are providing they are not restricting the flow of water with the proposed addition.

Jerry Sorensen commented the spirit of the ordinance is to make sure you are making any proper mitigating element to where you are affecting the flood plain. The spirit of the ordinance is met by the additional construction pieces they are proposing to add.



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Laura Gandia asked if the Board should be concerned that it is a moderate and not a minimal flood area.

Al Guilbeault asked when the changes to the flood plain occurred and what is the impact on the property. Laura Gandia indicated it was changed in 2009.

Mr. Couture referred to the site plan and noted that the original line would have still been on the property, but affected the house when it changed. He indicated that 50% of the lot was in the flood zone.

Laura Gandia commented that when FEMA increased the flood plain in 2009, they increased the risk for flooding on that property, which is a concern.

John Brunelle commented they already had the risk. He indicated if you deny the request you are denying the right to utilize their property to its full potential.

Laura Gandia commented we would just be denying the variance. John Brunelle indicated we would be denying them to use the property to its full potential.

Laura Gandia commented that she feels when you buy property abutting a river, you have some expectations that there are limitations to the property that you are purchasing.

Al Guilbeault commented there are other areas of the town that are in a flood plain that are not abutting the river.

Mr. Blackwell indicated that is correct, but he has only come across very few scenarios where the flood plain encompasses the majority of a piece of property of a single family residence. That is what the FEMA maps are showing at this time.

3. Substantial justice is done because:

Laura Gandia feels that the project does not meet this criteria because she is concerned about flooding of neighboring properties and for the homeowner.

John Devereaux commented that he believes the criteria is met because it will allow the homeowner to build on his property without impacting the flooding in the neighborhood.

4. The values of surrounding properties are not diminished because:

John Brunelle commented there will not be any impact to the surrounding properties because the addition will raise the value of that property, which will then raise the values of the rest of the properties; and also allow the property to be utilized even more.

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because:

Laura Gandia feels that there are no special conditions and the property is not unique, therefore, there is a fair and substantial relationship between the purpose to prevent flooding and to apply that particular zoning provision to this property.

John Devereaux commented the general purpose of the ordinance is to minimize or eliminate building in a flood plain and the building is already in the flood plain so it is not contrary to the ordinance and does not apply. It does apply because there is building going on in a flood plain, but in this particular case the house is already in a flood plain.

Jerry Sorensen commented that you can build in a flood plain, because a flood plain does not exclude any type of construction; it just requires you to account for the additional mitigations.



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Laura Gandia clarified that our zoning does exclude building in a flood plain because you have to get a variance because you are looking to be exempt from it.

John Brunelle commented the general practice does not preclude you from doing it.

Jerry Sorensen read the parameters of the ordinance for building in a flood plain and concluded that you can build in a flood plain, but you have to do it right.

Laura Gandia asked how is the property unique, for the record.

John Devereaux commented that it is unique because of the way the building is associated with the flood plain lines.

Jerry Sorensen commented that once the project is completed updated insurance documentation should be submitted to be part of the record.

John Brunelle asked if the town requires that. Mr. Blackwell indicated the town does not.

John Brunelle indicated an occupancy permit has to be done when the addition is complete and can be attached to the record to satisfy that request.

Laura Gandia indicated they are also required to meet the following:

“the variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense”

The Board felt that criteria was met.

“if the request of the variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result”

The applicant is not in a regulatory floodway.

“the variance is the minimum necessary considering the flood hazard to afford relief”

The Board agreed.

“We shall notify the applicant in writing that the issuance of a variance to construct below the base flood level will result in an increase in premium rates of flood insurance up to amounts as high as \$25 to \$100 of insurance coverage; and such construction below the base flood level increases risk to life and property.”

“Written notification shall be maintained with the record of all variance actions. The Town shall maintain record of all variance actions, including the justification for its issuance, and report the issuance of any variance to FEMA’s Federal Insurance Administrator in its annual or biennial report”.

Laura Gandia made a motion in case 2021-12 to grant the applicant’s request for a variance from LZO Section 1100 for the erection of a new structure (namely a garage and an accessory dwelling unit), with condition that there is proper installation of flood mitigation measures to the satisfaction of the Building Inspector. Al Guilbeault seconded. The motion carried 4-1-0, with Laura Gandia opposing.



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III. COMMUNICATIONS AND OTHER BUSINESS

There was no other business.

V. ADJOURNMENT

John Devereaux made a motion to adjourn the meeting and Al Guilbeault seconded the motion. The motion carried 5-0-0.

The meeting was adjourned at 8:22 p.m.

Respectfully submitted,
Michele E. Flynn