



TOWN OF LITCHFIELD

LITCHFIELD ZONING BOARD OF ADJUSTMENT

Litchfield, New Hampshire

April 11, 2018

DRAFT

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

ZBA Members in Attendance (indent if absent):

Richard Riley, Chairman
Laura Gandia, Vice Chairman
John Regan
Albert Guilbeault
John Devereaux
Eric Cushing (alternate)
Greg Lepine (alternate)
Thomas Cooney (alternate)

Also present:

Brian Pratt, from CLD Fuss & O'Neill, representing the applicant, S&L Projects LLC.

I. CALL TO ORDER AND ROLL CALL

Richard Riley called the meeting to order at 7:05pm. He took attendance. Alternates, Greg Lepine and Tom Cooney, were appointed by the Board to sit in for the missing board members, Laura Gandia and John Devereaux.

II. PUBLIC HEARING AND DELIBERATION

Notice of Public Hearing was 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 #2018-1. He read aloud the request for a special exception to the Litchfield Zoning Ordinance.

Case Number: 2018-01

Name of Applicant: S&L Projects LLC

Owner of Property: Colby Litchfield LLC, c/o Richard J. Maloney & Co. PC

Location of Property: 476 Charles Bancroft Highway, Map 21 Lot 1, with portions of Tax Map 22 Lot 96

Description of Property: Uniquely shaped 9.8 acres partial with a mix of a farm field and wooded area.

Description of Proposed Use: A new distribution facility for LKQ that will include their office space and associated warehouse to store and distribute auto and RV parts to local businesses.

Appeal Requested:

The Applicant seeks the following variance;

1. A request for a special exception from LZO Section 1208.00 (Buffers) to allow construction of a proposed driveway, the construction of which would encroach into the encouraged wetlands conservation district buffers next to manmade vegetated swales.

Brian Pratt of CLD Fuss & O'Neill addressed the Board. Brian is the design engineer representing S&L Projects LLC. He explained that he has been in front of this board a couple of times for this project. Last year, they presented a request for special exception for wetland impact for Erickson Construction. They are a small construction company that was planning on putting their headquarters on this site. They ended up not proceeding because they couldn't afford the offsite improvements for utilities. Another company came in, LKQ, which is Keystone Automotive, it's an auto parts warehouse and distribution facility. They're proposing to put a 36,000-sf auto parts warehouse and distribution facility on this site. He displayed the google aerial view of the site on the TV screen and pointed out where the proposed building would be located; behind New England Small Tube, Mel's Funway would be to the left, Charles Bancroft Highway in the front, and the Merrimack River would be behind the building.

Brian Pratt explained that they came before the Board about 6 months ago to seek variances for two sections of the Ordinance; one was for the use, and the other was for the height. Both were approved. In addition, he said they previously received special exception from the Board for the previous development (Erickson Construction) but they're back again to request the same special exception and they also have to make some driveway changes based on DOT and based on some coordination with the abutter. The abutter was working with Erickson Construction to sell a small triangle of land. The existing driveway (a dirt farm road) clips the corner of New England Small Tube's property. Erickson Construction was working with the owners of New England Small Tube to purchase the small triangle of land to allow the driveway to stay in that location where the existing driveway is now. The Applicants approached New England Small Tube, but they no longer want to sell. So, they have to push the driveway over. John Regan asked "What becomes of the old path?" Brian said "It will be abandoned. They will loam and seed it."

Brian displayed the proposed driveway plan on the tv screen and pointed out the areas where there are wetland impacts and wetland buffer impacts. Brian said they tried to minimize the buffer impacts, but this is the only place they could get access to the property.

Rich Riley asked "You said you were before the Board two times; once for the "use" (for Erickson Construction), then back for the "use" and these wetlands were in there too, right?" Brian replied "Yes, they were. We got special exception for one area, and it changed a little. When you do a wetlands impact, if you have impacts within 20 ft of an abutting property owner, the DES requires that you get a letter from the abutter stating they are okay with the impacts. The abutter wasn't interested in signing, so we had to

push the road out a little away from the property". He explained were the other changes are. Al Guilbeault asked "What's the impact where you meet the abutter?" Brian replied "That's Impact #3; that is 2,660 sf of buffer impact."

Rich Riley read aloud a letter from the Litchfield Conservation Committee dated 4/10/18. It stated that they reviewed the Applicant's request for a special exception to section 1207.03 (Buffers) of the Litchfield Zoning Regulations and Wetlands Disturbance at the culvert at station 5+50 approximate. It stated that the Applicant has agreed to install a double row of silt fencing near the entrance with NH Route 3A and Colby Brook. And the Applicant has also agreed to remove the silt fencing after construction when there is 75% vegetation. Rich Riley reviewed what zoning ordinance section 1207.03 read. It states that the wetlands buffer is 50 feet, and the Wetlands Conservation District buffers are encouraged, but not required, for manmade wetland buffers. He asked Brian Pratt if these were manmade and Brian said some of them are, but not all of them.

Al Guilbeault asked "Regarding the manmade wetlands up toward the road, is that a pretty big drop off? Brian replied "Yes". John Regan said "So, before it would have been a gradual slope? Now it's a more severe slope?" Brian replied "Yes. We did have a steep slope there and we were trying to stay out of the 50 ft but DOT made us go wider because they wanted the tractor trailers to be able to make it in. Originally, when we had the option to purchase that triangle land, we didn't have that steep slope".

Richard Riley asked Brian Pratt to read aloud the criteria for granting a special exception (from LZO Section 1208.01, a through h). He read the reasons why he believes each condition will be met. (Copy is on file). They obtained these permits from NHDES; Alteration of Terrain permit, Wetlands Disturbance Impact permit, Shoreland Protection permit, and Septic System permit. And obtained permit from NHDOT for the driveway.

Rich Riley asked Brian if they met with the Planning Board. Brian said they went to the Board twice and have received conditional approval contingent on getting the special exception from the Zoning Board and getting their permits and any final engineering review comments which Brian said they have addressed and resubmitted to Lou Carron.

Rich Riley asked if the lighting was discussed with the Planning Board. To make sure to minimize impact to the abutters. Brian said it was discussed. They have 3 short pole lights along the driveway and a few poles in the parking lot. They're all LED lights that will dim after hours and will be on a motion sensor. This was also discussed with the Lower Merrimack River Advisory Committee as well. Met with them a couple of times.

Greg Lepine asked "Are you on the flood plain?" Brian responded "The approximate flood plain is mid-way up the banking. So, we're well above it".

Rich Riley then opened it up for public input. An abutter, Colleen Ellis, from New England Small Tube, 480 Charles Bancroft Highway, addressed the board. She had a question about the driveway. She said they have a drainage easement on their deed that goes through the area where the new driveway is from their property to Colby Brook. They want to make sure it would not be affected. Brian explained that they will not block it. They have plans that show the drainage easement, so they're preserving it. And if they ever have a need to come in and replace it, they have the right to do so. Al Guilbeault asked "Is there a culvert there?" Brian said "Yes. There is an existing 12" metal pipe that

comes from the catch basin from their property". She wanted to make sure the construction would not affect the easement. Brian assured her that it would not be affected.

Rich Riley asked if there were more questions. There were none. Al Guilbeault motioned to close public input and Greg Lepine seconded the motion. Motion carried 5-0-0

Rich Riley asked the Board if they had any other questions or concerns. There were none. Greg Lepine made a motion to grant the Applicant's request for a special exception. Tom Clooney seconded the motion. Motion carried 5-0-0

III. ANNUAL ELECTION OF OFFICERS

Chairperson & Vice-Chairperson

Motion was made by John Regan to nominate Richard Riley as Chairperson. Al Guilbeault seconded. Motion carried 4-0-1, with Richard Riley abstaining. John Regan made the motion to nominate Laura Gandia as Vice-Chairperson and Rich Riley seconded. Motion carried 5-0-0.

IV. ADJOURNMENT

Greg Lepine made a motion to adjourn the meeting and Tom Clooney seconded the motion. Motion carried 5-0-0. Meeting adjourned at 8:00 pm.

Respectfully submitted,

Gisele Mercier