

Eversource Line K165 & H123 Structure Replacement
Project
Litchfield, New Hampshire

APPLICATION FOR SPECIAL EXCEPTION

Eversource Energy

May 2022

Tighe & Bond

E5034-162/163
 May 24, 2022

Town of Litchfield
 Zoning Board of Adjustment
 Attn: Laura Gandia, Chair
 2 Liberty Way
 Litchfield, NH 03054

Re: **Special Exception Request
 Line K165 and H123 Structure Replacement Project
 Litchfield, New Hampshire**

Dear Chairperson and Board Members:

On behalf of the Applicant, Public Service Company of New Hampshire dba Eversource Energy (Eversource), Tighe & Bond is submitting a request for a Special Exception for the replacement of utility structures on Lines K165 and H123 in Litchfield, New Hampshire. The applicant is submitting this Special Exemption Request for required impacts within the Town of Litchfield Wetlands Conservation District.

The proposed project includes the replacement of 15 structures along both Lines K165 and H123, which run parallel within the same right-of-way (ROW) between the Merrimack River, West of Charles Bancroft Highway, and Brickyard Road in the Town of Litchfield, New Hampshire (see attached Access and Permitting Plans). The lines cross through urban, rural residential and forested areas crossing one public roadway, Charles Bancroft Highway. The ROW is comprised of maintained upland scrub shrub vegetation with several emergent and scrub-shrub wetlands. A Tighe & Bond wetland scientist confirmed wetland boundaries in April 2022.

In total, the proposed project requires approximately 45,798 square feet of temporary vegetated wetland impacts for access and work pads at existing utility structures (see Table 1). Timber matting will be utilized within wetlands to minimize and prevent rutting and soil compaction within the wetlands. Upon completion of the structure replacement work, timber matting will be removed and temporarily disturbed wetlands will be restored by seeding and mulching. Upland access routes will be improved using gravel and stone as necessary to provide safe and stable access and work pads for the utility pole replacement. Wherever possible, access is proposed using existing access routes to limit disturbance to wetlands and upland areas.

TABLE 1: Summary of wetland impacts.

Structure #	Classification^{1,2}	Wetland Impact (sf)
198	PEM1/PSS1F	1,822
196/189	PEM1/PSS1E	6,453
195	PEM1/PSS1E	3,818
194	PEM1/PSS1E	15,102
193/193-1/192/192-1	PEM1E	18,603

¹ PEM1/PSS1F – Palustrine Emergent/Palustrine Scrub Shrub with persistent vegetation that is semi-permanently flooded

² PEM1/PSS1E – Palustrine Emergent/Palustrine Scrub Shrub with persistent vegetation that is seasonally flooded/saturated



In addition to this Special Exemption request, Eversource will also be filing a Statutory Permit by Notification with the Department of Environmental Services (DES) Wetlands Bureau.

In accordance with *Section 1208.00* of the Town of Litchfield Zoning Ordinance, a Special Exemption may be issued by the Zoning Board of Adjustment for utility right-of-way easements after demonstrating that the requested exception complies with the supplemental standards contained in the ordinance and specifically considering each of the following criteria:

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

The project proposes temporary impacts to vegetated wetlands for the replacement of the existing transmission line structures. The proposed project was designed to minimize temporary impacts to the wetlands through the use of timber matting. The matting will be temporary, providing access and a work area around the replacement structures and removed once construction is complete. The matting will be installed in such a manner as to not restrict the flow of water.

Standard Best Management Practices (BMPs) including the installation and maintenance of erosion control barriers will be used during construction.

B. It can be shown that the proposed use is not in conflict with any and all of the purposed and intentions listed in Section 100.01 of this Ordinance.

The Project proposes to maintain K165 and H123 Transmission Line which is located within an existing and maintained ROW. The utility structures will be replaced in their current alignment and there is no expansion of the existing ROW or installation of additional structures. The new poles will be installed within 5-10 feet of the existing structures and 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.

C. The use or activity proposed, and its attendant impacts cannot reasonably be avoided.

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.

D. The least damaging route and methodology have been selected; and that which being proposed is the best practicable alternative available.

There are no alternatives with less impacts 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.

E. Reasonable and acceptable impact mitigation measures have been incorporated where necessary and appropriate to minimize wetland loss of degradation.

The access for the project has been sited to avoid wetlands to the greatest extent feasible and utilize existing access routes where possible. The proposed project has been designed to minimize temporary wetland impacts through the use of timber matting. Matting will be temporarily placed in wetlands where required to provide appropriate work areas and prevent rutting. Standard Best Management Practices (BMPs), including the installation and maintenance of erosion control barriers, will be used during construction.

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

Listed species were identified by the Natural Heritage Bureau. Standard BMPs typically used within similar ROWs and coordinated with New Hampshire Fish & Game will be incorporated into the activities on site. Prior to daily construction activities, timber matting will be reviewed by a monitor trained in wildlife identification and observed turtles and snakes will be safely relocated out of the active work zone, in similar nearby habitat. Observed turtles and snakes will be moved off construction access roads to limit and prevent mortality 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.

G. 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 Areas in NH. Rockingham County Conservation District, NHDES, and Soil Conservation Service. August 1992, as amended.)

The access for the project has been sited to avoid wetlands to the greatest extent feasible and utilize existing access routes where possible. The proposed project has been designed to minimize temporary wetland impacts through the use of timber matting. Matting will be temporarily placed in wetlands to provide appropriate work areas and prevent rutting. Standard Best Management Practices (BMPs), including the installation and maintenance of erosion control barriers, will be used during construction.

H. State wetland permits, as required, are obtained.

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 in June 2022 to align with the current construction schedule of the project.

Should you have any questions or require any additional information, please contact me at KLWilkins@tighebond.com or (413) 875-1305.

Regards,

TIGHE & BOND, INC.



Katy Wilkins
Project Manager

Enclosures
Copy: Jeremy Fennell, Eversource Energy

ATTACHMENT A
APPLICATION FOR SPECIAL EXEMPTION FORM



VARIANCE	
Date Received:	_____
Case #:	_____
Rehearing #:	_____

**TOWN OF LITCHFIELD
ZONING BOARD OF ADJUSTMENT
APPLICATION FOR SPECIAL EXCEPTION**

Name of applicant Jeremy Fennell Phone # 603-643-3396

Address 13 Legends Drive Hooksett, NH 03106

Owner Same
(If same as applicant, write "same")

Address Same

Location of property Eversource Right-of-Way (ROW) Map _____ Lot _____
(Number and street)

Description of property Maintained Eversource Transmission Line ROW

(Lot dimension, total area, present use)

This application is not considered acceptable unless all required statements have been made and all sections completed. Additional information may be supplied on separate sheets if necessary.

Town of Litchfield New Hampshire

Two Liberty Way · Litchfield, NH 03052 · Phone (603) 424-4046 · Fax (603) 424-3014

Internet: <http://www.litchfield-nh.gov/>

Section 1 - APPLICATION FOR A SPECIAL EXCEPTION

The undersigned hereby requests a Special Exception as specified in the Litchfield Zoning Ordinance *Section 1208.00*

Description of proposed use: See narrative

Facts supporting this request, explain how the proposal meets the special exception criteria as specified in *Section 1208.01* of the zoning ordinance. The burden of proof shall be upon the applicant who shall furnish such engineering and hydrological data as is reasonably necessary. Economic advantage alone is not reason for granting a special exception.

PROVIDE ATTACHMENTS IF NECESSARY TO FULLY RESPOND TO ALL CRITERIA

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: See narrative

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

3. The use or activity proposed and its attendant impacts cannot reasonable be avoided because: See narrative

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 available because: See narrative

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:

See narrative

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

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: See narrative

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

See narrative

Section 2 - ABUTTERS

See attached sheet.

Section 3 - ATTACHMENTS

- A. Plan of property and all buildings, drawn to scale, is required.
- B. Building permit application as needed (to be determined by building official.)
- C. Additional explanations, justification, abutter's statements, letters, etc.


Section 4 - REPRESENTATION

Owner(s) authorization for applicant or other agent to represent the owner at the proceedings

Katy Wilkins


Print name of person or party representing the owner(s)

The applicant or agent, as stated hereon, has authorization from the property owner to submit this Zoning Board of Adjustment application and to represent the property owner on matters relative to said process.


Owner's Signature

5/24/2022
Date

Section 5 - SIGNATURES

Signature of Applicant  Date 5/24/2022

Signature of Owner  Date 5/24/2022

Signature of Zoning Official _____ Date _____

Please contact the Building Department located at the Litchfield Town Hall if you have any questions about this form. Note that the Chairperson and members of the Board cannot offer advice on how to fill out your application, deliberate the specifics of your application, nor decide on your application outside of a public ZBA hearing

For office use only

CODE ENFORCEMENT OFFICER'S DECISION AND COMMENTS:

Application to the Zoning Board of Adjustment

In all cases the Applicant must submit the following

- List of abutters, applicant, and owner, including current mailing addresses and map and lot numbers of each. An application process is delayed if mailing addresses are inaccurate.
 - Requires three (3) adhesive mailing labels per abutter
 - Mailing labels shall be no greater than 1.5 x 3.75 inches

For purposes of receiving testimony only, and not for purposes of notification, the term “abutter” shall include any person who is able to demonstrate that his/her land will be directly affected by the proposal under consideration.

For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term “abutter” means the officers of the collective or association, as defined in RSA 356-B:3, XXIII. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a manufactured housing park form of ownerships defined in RSA 205-A:1, the term “abutter” includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street, stream, or active railroad from the land under consideration by the local land use board. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being an active railroad property, the owner of the railroad property shall be notified. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case where the applicant is different from the owner of the land under consideration by the local land use board, the term “abutter” includes the applicant.

- Application Fees as outlined below:
 - Money order or check made out to the TOWN OF LITCHFIELD NH in the amount of \$100 for application fee
 - Money order or check made out to the US POST MASTER to cover certified mail notifications to the applicant, owner, and each abutter. The fee amount shall be determined by multiplying the number of required mailings by the current USPS rates for certified mail with return receipt.
- A plot plan drawn in accordance with a boundary line survey to scale not less than 1" = 40'. Indicate lot dimensions including area in square feet. Indicate size and locations of existing and proposed buildings, including setbacks (5 copies required).
- A copy of written denial from administrative official: Building Inspector, Planning Board or Selectmen.
- As part of the application process the applicant MUST submit a written narrative outlining the reasons for the variance or appeal and specifically addressing the criteria for granting relief.
- The applicant or representative must be present at the scheduled hearing to answer any questions or present required information to the Board. It is the Board’s policy to postpone the case when the applicant or representative fails to appear at the scheduled hearing; however, the Board is not required to postpone the application and may postpone, approve or disapprove the application with or without the applicant or representative’s presence. If the applicant or representative is unable to attend the hearing, they may request a postponement of the application prior to the meeting by contacting the ZBA Chairperson.

ZBA Hearings are scheduled for the second Wednesday of each month at 7pm at Town Hall.

All parties involved will be notified of an impending hearing by certified mail. The written decision of the Board must be made available to the public within 72 hours of the hearing.

ATTACHMENT B
APPLICATION FEE

ETHAN M WILKINS
KATHERINE L WILKINS
16 DUREN DRIVE
GREENFIELD MA 01301

923
53-7079/2118 1



Date 5/24/2022

Pay to the Order of Town of Litchfield
one hundred and 00/100

\$ 100.00
Dollars



400 Main Street • P O Box 1837 • Greenfield, MA 01302-1837

14-5034-162

For Litchfield special Exemption

Katherine Wilkins

⑆ 211870799⑆ 15 00236821⑆ 0923

ETHAN M WILKINS
KATHERINE L WILKINS
16 DUREN DRIVE
GREENFIELD MA 01301

924
53-7079/2118 1



Date 5/24/2022

Pay to the Order of US Post Master
Ninty and 00/100

\$ 90.00
Dollars



400 Main Street • P O Box 1837 • Greenfield, MA 01302-1837

14-5034-162

For Litchfield special Exemption

Katherine Wilkins

⑆ 211870799⑆ 15 00236821⑆ 0924

COPI

ATTACHMENT C
ABUTTERS LIST

**Line H123/K165 Transmission Line
Structure Replacement Project
Eversource Energy
Abutters List
Litchfield, New Hampshire**

Wetland Consultant

Tighe & Bond, Inc.
Attn: Katy Wilkins
53 Southampton Road
Westfield, MA 01085

Owner/Applicant

Eversource Energy
PO Box 270
Hartford, CT 06141

Map 9-65

David Ripley
23 Brick Yard Drive
Litchfield, NH 03052

Map 9-82

Philip R. Bechard
4 Cummings Drive
Litchfield, NH 03052

Map 9-83

Sharon R. Brooks
8 Cummings Drive
Litchfield, NH 03052

Map 9-84

William S. Pousland
10 Cummings Drive
Litchfield, NH 03052

Map 9-86

Adam & Angela Correau
11 Cummings Drive
Litchfield, NH 03052

Map 9-87

Hysen Mehmeti
33 Brick Yard Drive
Litchfield, NH 03052

Map 9-88

Robert & Pamela Grenier
29 Brick Yard Drive
Litchfield, NH 03052

Map 9-103

Sam D. Terrill
187 Charles Bancroft Highway
Litchfield, NH 03052

Map 9-4

Kelly R Fraser Trustee
190 Charles Bancroft Highway
Litchfield, NH 03052

Map 9-3

Kelly R. & Jody Fraser
188 Charles Bancroft Highway
Litchfield, NH 03052

Map 9-1

Margaret A. Parent
Charles Bancroft Highway
Litchfield, NH 03052



ATTACHMENT D
SITE PHOTOGRAPHS

Photographic Log

Client: Eversource Energy

Job Number: E5034-162

Site: Line K165/H123—Litchfield, NH

Photograph No.: 1	Date: 4/8/2022	Direction Taken: East
Description: View toward Line K165 STR 198 (yellow arrow).		

Photograph No.: 2	Date: 4/8/2022	Direction Taken: West
Description: View toward Charles Bancroft Highway and Line H123 STR 196.		

Photographic Log

Client: Eversource Energy

Job Number: E5034-162

Site: Line K165/H123—Litchfield, NH



Photographic Log

Client: Eversource Energy

Job Number: E5034-162

Site: Line K165/H123—Litchfield, NH

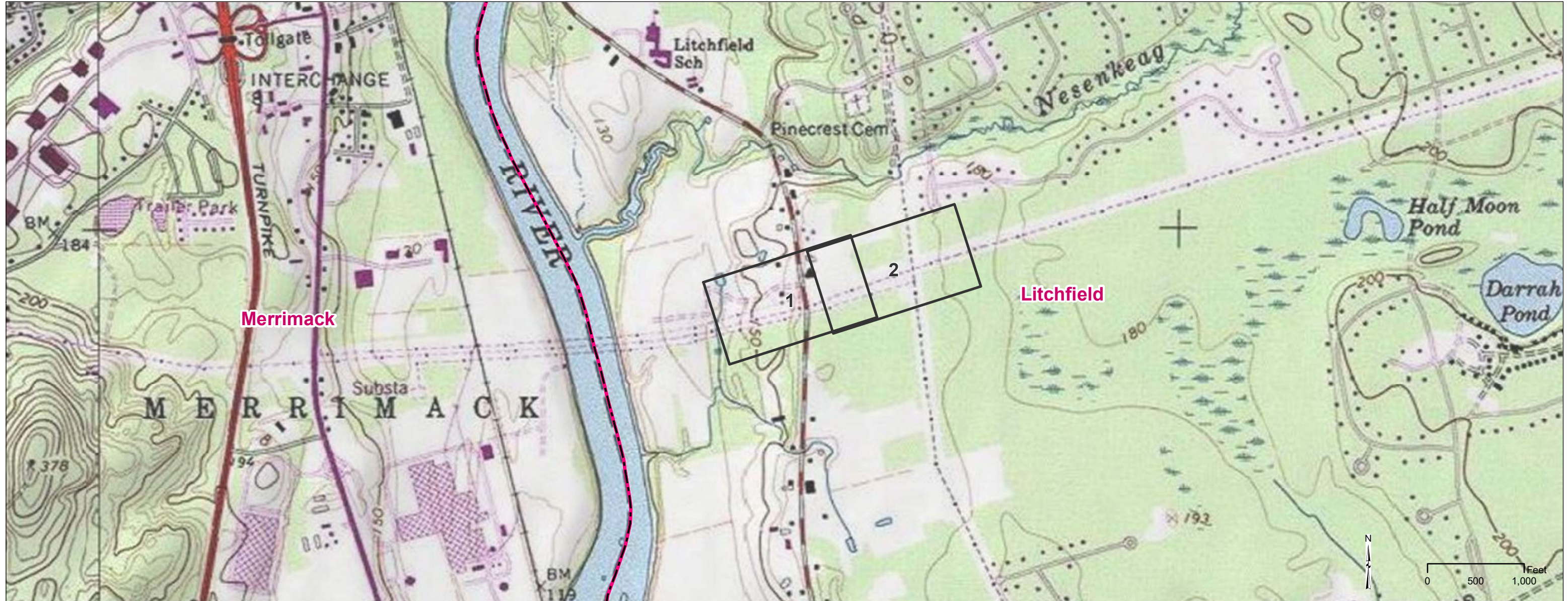
Photograph No.: 5	Date: 4/8/2022	Direction Taken: East
Description: View toward Brickyard Road and Line H123 STR 193 and Line K165 STR 192.		
		

ATTACHMENT E
SITE PLAN

Line H123/K165 Structure Replacement Project

Litchfield, New Hampshire
Environmental Resources Map

Date: May 18, 2022





PREPARED FOR:

EVERSOURCE

13 Legends Drive
Hooksett, NH 03106

Legend

-  Map Index
-  Municipal Boundary

INDEX OF FIGURES

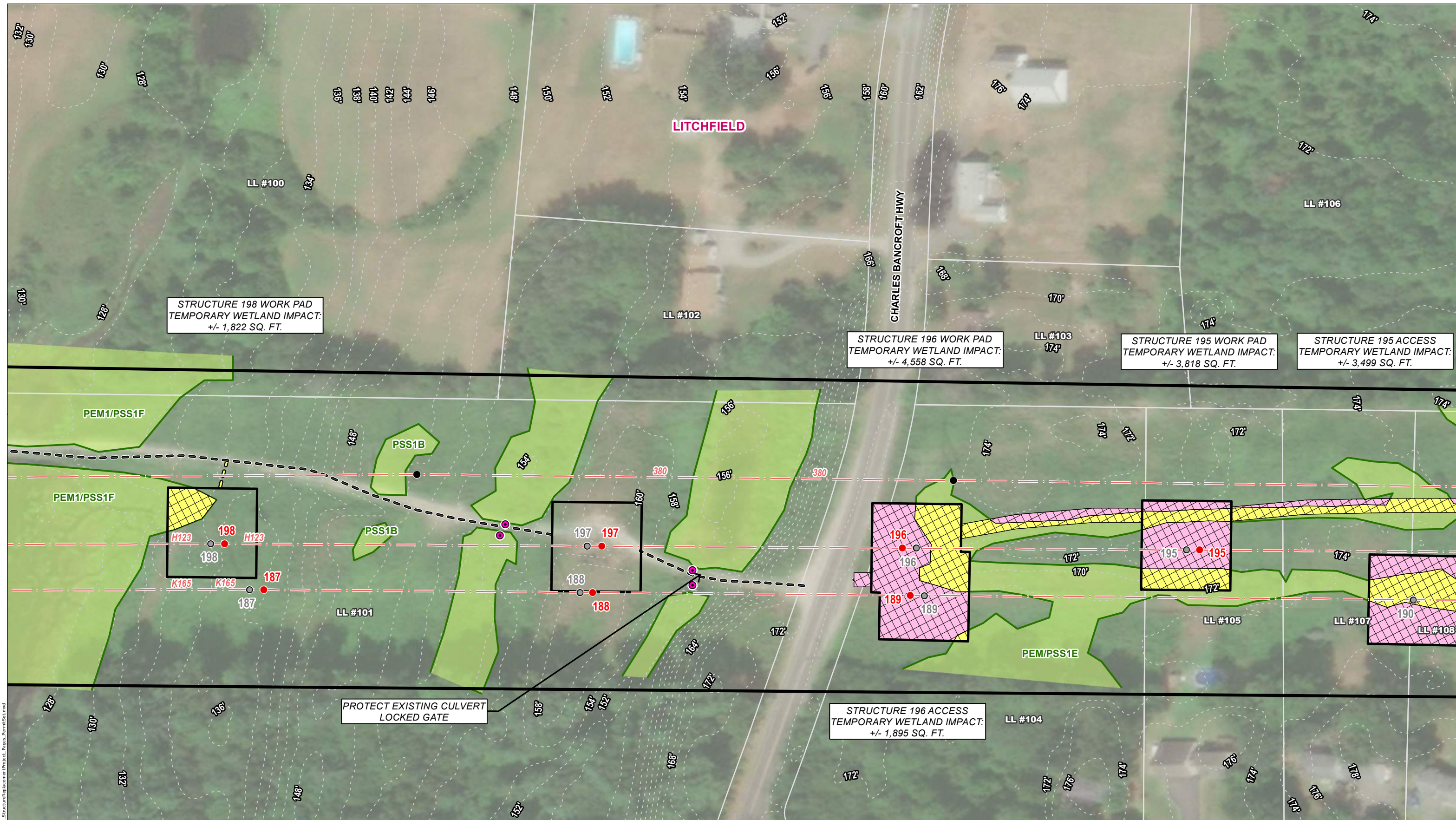
Title Sheet / Index Map
Map Sheets 1-2

NO.	DATE	REVISIONS

PREPARED BY:

Tighe & Bond

53 Southampton Road
Westfield, MA 01085



STRUCTURE 198 WORK PAD
TEMPORARY WETLAND IMPACT:
+/- 1,822 SQ. FT.

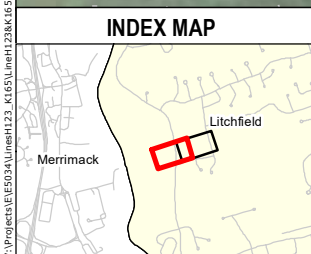
STRUCTURE 196 WORK PAD
TEMPORARY WETLAND IMPACT:
+/- 4,558 SQ. FT.

STRUCTURE 195 WORK PAD
TEMPORARY WETLAND IMPACT:
+/- 3,818 SQ. FT.

STRUCTURE 195 ACCESS
TEMPORARY WETLAND IMPACT:
+/- 3,499 SQ. FT.

STRUCTURE 196 ACCESS
TEMPORARY WETLAND IMPACT:
+/- 1,895 SQ. FT.

PROTECT EXISTING CULVERT
LOCKED GATE

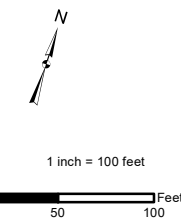


Legend

- Existing Structure
- Existing Structure to be Replaced
- Replacement Structure
- Existing Right-of-Way
- - - Overhead Eversource Line
- Existing Access
- Proposed Access
- Railroad
- - - Contour Line (2 Ft.)
- Ordinary High Water Mark
- Delineated Wetland Boundary Outline
- Field Delineated Wetland
- Approximate Wetland (not delineated)
- Temporary Construction Matting
- ▨ Temporary Upland Matting
- ▭ Work Pad
- ▨ Areas of Archeological Sensitivity
- ▭ Parcel Boundary
- ▭ Municipal Boundary
- Culvert

MODIFICATIONS IN ACCESS ROUTES, WORK PAD LOCATIONS OR OTHER WETLANDS IMPACT AREAS MUST BE APPROVED BY EVERSOURCE AND IN COMPLIANCE WITH NHDES WETLANDS RULES FOR MINIMUM IMPACT. ENH-WT 307 - GENERAL REQUIREMENTS ENH-WT 313.03 - AVOIDANCE AND MINIMIZATION ENH-WT 521 - UTILITY PROJECT SPECIFIC CONDITIONS

Map Notes:
Data valid as of May 2022.
Data source: New Hampshire Geographically Referenced Analysis and Information Transfer System (GRANIT) and USFWS. Orthophotography courtesy of ESRI.
Contours downloaded from New Hampshire GRANIT
Parcels provided by New Hampshire GRANIT
Figure intended to be printed on 11x17
*Indicates datasets with a transparency setting of 30-70%
This mapping product has been created to comply with submittal requirements to obtain certain regulatory approvals and, as such, there is no reliance on the information contained herein for any other purpose.



NO.	DATE	REVISIONS

EVSOURCE

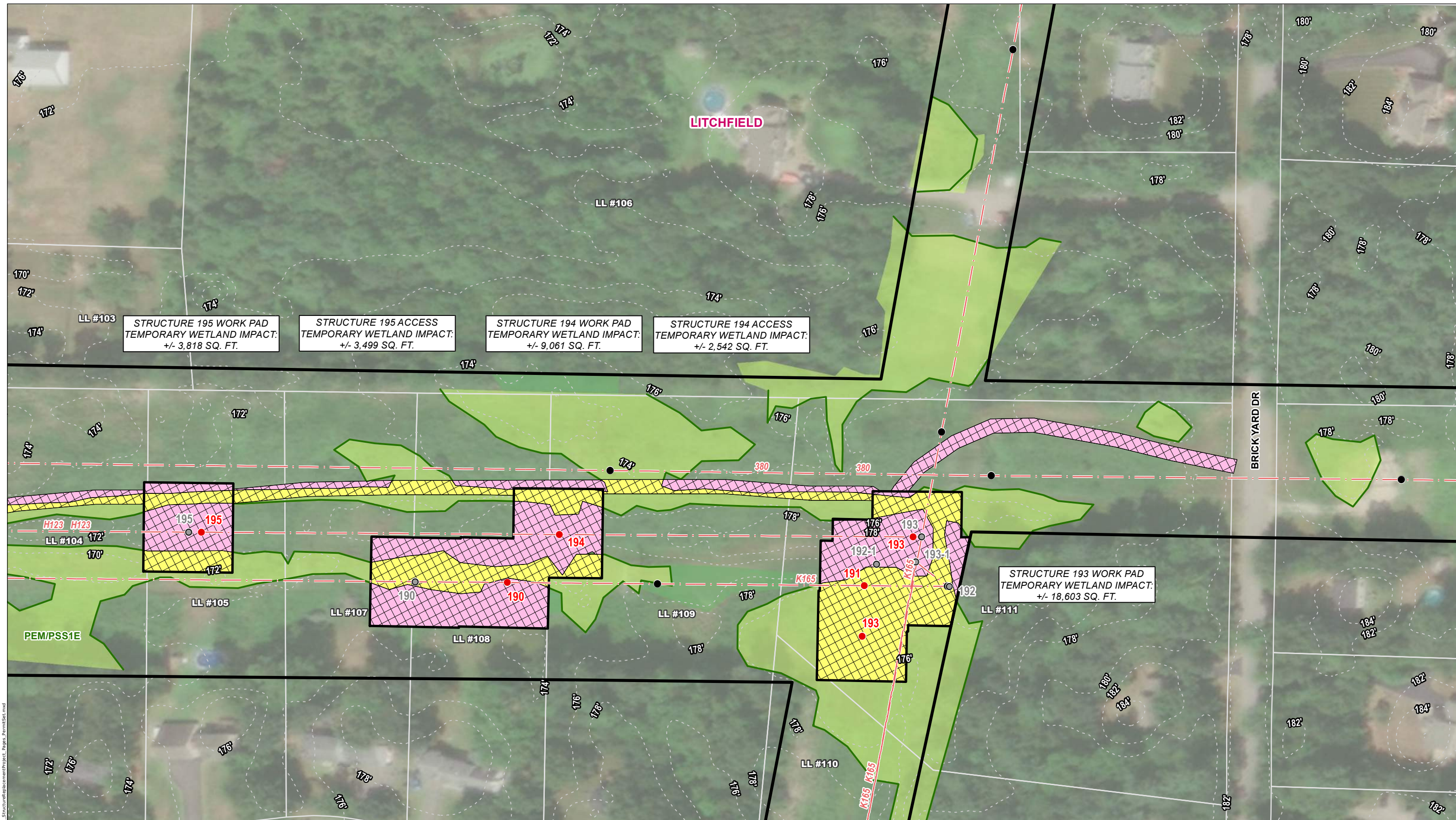
**Line H123/K165
Structure Replacement Project**

Litchfield, New Hampshire

Date: May 18, 2022

Map Sheet 1 of 2

Tighe & Bond



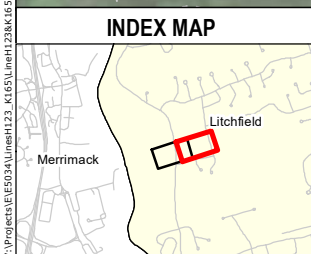
LL #103
 STRUCTURE 195 WORK PAD
 TEMPORARY WETLAND IMPACT:
 +/- 3,818 SQ. FT.

STRUCTURE 195 ACCESS
 TEMPORARY WETLAND IMPACT:
 +/- 3,499 SQ. FT.

STRUCTURE 194 WORK PAD
 TEMPORARY WETLAND IMPACT:
 +/- 9,061 SQ. FT.

STRUCTURE 194 ACCESS
 TEMPORARY WETLAND IMPACT:
 +/- 2,542 SQ. FT.

STRUCTURE 193 WORK PAD
 TEMPORARY WETLAND IMPACT:
 +/- 18,603 SQ. FT.



- Legend**
- Existing Structure
 - Existing Structure to be Replaced
 - Replacement Structure
 - Existing Right-of-Way
 - Overhead Eversource Line
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 Parcels provided by New Hampshire GRANIT
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 *Indicates datasets with a transparency setting of 30-70%
 This mapping product has been created to comply with regulatory requirements to obtain certain regulatory approvals and, as such, there is no reliance on the information contained herein for any other purpose.

1 inch = 100 feet

0 50 100 Feet

NO.	DATE	REVISIONS

EVERSOURCE

**Line H123/K165
 Structure Replacement Project**

Litchfield, New Hampshire


Date: May 18, 2022

Map Sheet 2 of 2

Tighe & Bond

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