

**LITCHFIELD ZONING BOARD**  
**TOWN OF LITCHFIELD, NEW HAMPSHIRE**  
**JULY 8, 2009**

**ZBA Members Attending (Indent if Absent):**

Richard Riley, Chairman  
Laura Gandia, Vice Chairman  
John Regan  
Albert Guilbeault  
Tom Cooney, Clerk  
Gregory Lepine (alternate)  
    John Devereaux (alternate)  
    Eric Cushing (alternate)  
John Brunelle (alternate)

**I. Call to Order**

- Richard Riley calls the meeting to order at 7:08 pm. Meeting was published at Town Hall, Town Library and the Hudson Litchfield News.
- The Notice of Public Hearing for Case 2009-02 was published in the Nashua Telegraph.
- Tom Clooney takes attendance.

**II. New Applications**

- **Applicant's name:**                    **BCI Communications**  
  **Location of property:**           **240 Derry Road, Tax Map 2, Lot 29**

Appeal requested is for a special exception per Section 1207-03 and 1208 for a wetland setback of 50 feet to a reduced setback of 25 feet. The Applicant seeks to install, operate and maintain a wireless communications facility including a one hundred forty (140) foot tall flag pole style mono pole (the "Tower") at the above mentioned property. The property is a 6 acre parcel located in the Highway Commercial zoning district. The proposed wireless communication facility is a permitted use in the Highway Commercial zone subject to site plan approval by the board.

Richard Riley asks Kevin Lynch the town Code Enforcement Officer to speak. Kevin states that he walked the site with the Conservation Commission and they determined that the area is not wet lands but it is a drainage swale. Section 1207.03 of the town ordinance states that this is not considered a wetlands area. Thus the applicant does not need to apply for the Special Exception. His original finding was in error and he will be issuing a new letter tomorrow stating the new finding.

Kevin also pointed out for those present that the applicant must still appear in front of the Planning Board for site plan approval.

The applicant, George Chianis spoke he stated that he was pleased that the town admitted their error and he will be willing to cover all costs that the town has incurred at this time. He states that he would like to withdraw the application.

A motion is made by Laura Gandia and seconded by John Reagan to accept the applicants request to withdraw case 2009-02 based on the new finding made by the Code Enforcement Officer  
Motion passes 5-0-0

#### IV. Miscellaneous Business

- Meeting minutes.

*Laura Gandia makes a motion to **accept** the May 13, 2009 meeting minutes.*

*Tom Clooney seconds the motion.*

*The board votes **in favor of accepting** the meeting minutes, 3-0-2*

*Laura Gandia makes a motion to **accept** the June 10, 2009 meeting minutes.*

*Tom Clooney seconds the motion.*

*The board votes **in favor of accepting** the meeting minutes, 3-0-2*

#### V. Adjournment

*Richard Riley makes a motion to adjourn.*

*Tom Clooney seconds the motion.*

*The board votes **in favor of adjourning** at 8:0pm, 5-0-0*

*Respectfully submitted,  
Karen McCloskey*