

Haverhill Zoning Board of Adjustment Minutes

March 12, 2015

The meeting was called to order by Chairman Dick Guy at 7 p.m. Attendance was taken and in addition to Dick G., members James Graham and Denise Russell were present. Selectmen's representative Rick Ladd was not present. Clerk Ed Ballam was also present. A quorum was noted.

Members of the public included Ocean State Job Lots Representative Frank Bourque, Woodsville Store Manager Krista Griswood, and Ronald Jenkins, Regional Facilities Manager.

Dick G. reviewed the agenda with the board members and found it to be in order. He then said, as a matter of housekeeping, the board needed to select officers for the year. James G. nominated Dick G. for chairman of the board. His motion was seconded by Denise R. The vote was unanimous.

Ed B. said the hearing on a request for a special exemption to the Aquifer Protection Ordinance filed by Ocean State Job Lots of Woodsville LLC, 176 Central Street, Woodsville, NH. Tax Map 103, Lot 115 had been warned in the Bridge Weekly newspaper and by postings and all abutters were notified by certified, return receipt requested mail. Ed B. said the plans the board has are exactly the same as those presented with the application.

James G. made a motion to accept the application of Ocean State Job Lots as complete. The motion was seconded by Denise R. The motion to accept was approved by a unanimous vote.

Dick G. said since the application was complete, the board could conduct the public hearing which he opened at 7:10 p.m.

Frank Bourque, the manager of construction and planning for Ocean State Job Lots based in Rhode Island. He said his company is the owner of record and doing business as OSJ of Woodsville LLC. He said OSJ bought the property several years ago and it doesn't fit the typical building profile for the business model throughout New England. He said the building has excess and unused space and the company has negotiated with Dollar Tree to lease the extra space and open a store within the building. He said the relationship helps both businesses.

Frank B. said Dollar Tree has agreed to take 9,000 square feet of the approximately 10,000 extra feet OJS believes it has available. The lease agreement is contingent upon OSJ constructing a driveway on the Central Street side of the building for Dollar Tree to use as an area to unload trucks.

Frank B. said OSJ agreed to that condition and sought a permit to build the driveway. In meeting with Town Manager Glenn English, Frank B. learned the property was in the Aquifer Protection District and the project would need a special exemption from the ordinance. He said the area to be paved is less than one percent of the lot. He said the extra paving is very insignificant and would not endanger the aquifer. He also said the project would not diminish any property values in the area. He said he thought the project would enhance the property value not only of OSJ, but other properties because it would put another attraction in town and more fully use the existing space.

Frank B. said just to put Dollar Tree in the building, OSJ is planning to spend at least \$300,000 and then Dollar Tree will invest its own money on building out the store to its specification and décor.

Frank B. said the Dollar Tree will be a nice addition to the community and will help OSJ with its business as well. The additional revenue from the lease will help OSJ pay its taxes and make sure every store in the company stands on its own. He said there's a similar project underway in Northumberland. He asked the ZBA members for an approval of the project.

Dick G. asked if the affected area was flat. Frank B. said it was "relatively" flat and scrubby pine was one located on the gravel area. He said the driveway might require a small retaining wall to hold the pavement in place. He said the area is 20 feet wide, 148 feet long with a small taper.

Frank B. said the trucks for Dollar Tree are only expected to arrive in the early morning and, as such, Dollar Tree has asked OSJ to restrict a few of the parking spaces in front of the loading area as no parking from 6 a.m. to 9 or 10 a.m. . He said neither OSJ nor Dollar Tree wanted to lose parking space. He said the parking lot size is perfectly matched for the size of the building.

Dick G. asked how the trucks are unloaded. Frank B. said Dollar Tree usually uses a mobile conveyor system which is pulled out on to the paved area and items are transported into the building on the conveyor. He said the volume of the store will likely dictate how the trucks are unloaded. He said the trucks just may have power tailgates and pallets will be off loaded and then moved into the store.

James G. said the ZBA is concerned with aquifer protection and the project. He said he understands the project represents less than one percent of the total acreage. He asked if there were any catch basins on the property. Frank B. said there were no catch basins on the property. James G. said the state's catch basin along Central Street is sometimes a problem. Frank B. said there is an existing drainage system, with swales and grassy areas on the property and he and the other engineers believe the store will be able to handle its run off and storm water on site.

Ed B. said the board might want to consider any spills of hazardous materials and containment on the site.

Frank B. said every retailer sells something that is potentially hazardous – toilet bowl cleaner, or Drano or similar products. He said he thought the quantities were in such small amounts, that they would be “deminimis” (too trivial or minor to merit consideration) in an environmental report. He said there would not be sufficient quantities of any hazardous product that would trigger a secondary containment response because the water table is very high on the property. He said an automotive parts store might be a concern, but not a Dollar Tree.

Dick G. said the interior of the building has been a department store previously and would be grandfathered regarding drainage.

James G., asked about the kinds of products Dollar Tree sells, acknowledging that his question was not germane to the aquifer protection ordinance hearing.

Frank B. said there are some similarities. One major difference is the OSJ sells items that are a lot more expensive than anything found in the Dollar Tree which claims to sell everything for a dollar. He said OSJ doesn't fit into that model, but it does share customers with Dollar Tree. He said the two businesses complement each other.

There was no members of the public in attendance and no questions. Dick G. closed the public hearing at 7:30 pm.

Dick G. asked the clerk to hand out the voting sheet. The sheets were completed and handed back to the clerk for tabulation. Ed B. said all three members voted affirmatively in all five criterion areas on the voting sheet. Therefore the application was approved.

Ed B. said in anticipation of an affirmative vote and to streamline the process, he had already created an approval letter for the chairman to sign if he chose to do so. Dick G. signed the letter and gave one to Frank B. and one for the record.

The board thanked the OSJ representatives for doing business in Haverhill and they thanked the board for its consideration.

Frank B. said OSJ will complete the work it's responsible for by the end of June and Dollar Tree is expected to be open for business by the end of August. He said Dollar Tree will have 70 feet of glass in the front toward the parking lot with two pilasters near the entrance with the sign between. He said it will look nice when it's completed.

In other business, Dick G. asked for approval of the minutes from the April 2014 meeting, the last one held by the board. Ed B. said that James G. had made some comments about the minutes, including the identity of a person referred to as XX in the minutes. Ed B. explained that there was an engineer who appeared before the board for the Cumberland Farms hearing and he was not identified on the tape. Ed B. said he needs to check the sign in sheet for that

meeting and amend the minutes to reflect his name. James G. had some other corrections he would like made as well.

James G. moved approval of the minutes with corrections and minor corrections that he submitted. Denise R. seconded the motion. The motion was passed on a unanimous vote.

Under comments of the board, Dick G. said the ZBA could use more members. He said he's approached the board previously and didn't get much help with the issue.

James G. asked if there was a process for selection of ZBA members. Ed B. said an interested party volunteers to join, or is asked by a selectboard member. The candidate then attends a selectboard meeting where the person is asked a series of questions, including whether they understand what conflict of interest is, what qualifications they might have for the particular board on which they seek to serve, whether they'll be willing to attend any training and similar kinds of questions. If the selectboard is pleased with the candidate, the person is then voted into the position and later sworn in by the town clerk.

Ed B. said there are terms for appointed offices, including the ZBA which he thinks is three years. He said he would have to check on the current members. Ed B. asked if all three of the members were interested in serving if their terms were up. All three said they were. Ed B. said he would check.

James G. said the ZBA is a good place for someone interested in town government to start. It doesn't meet often and usually doesn't deal with controversial items. Interested residents could then move up to other roles in town government.

James G. made a motion to adjourn the meeting, seconded by Dick G. The vote was unanimous. The meeting adjourned at 7:50 p.m.

Respectfully submitted,

Ed Ballam
Haverhill ZBA Clerk