

## Haverhill Zoning Board of Adjustment

### Minutes

April 23, 2013

The meeting was called to order by Chairman Dick Guy at 7 p.m. Dick G. asked the public to sign the attendance sheet and offered agendas to the public. He said there were two items on the agenda.

The first item was the reorganization of the board. He said the board usually meets only once a year and it typically reorganizes at that point. Dick G. asked for nominations for chairman.

ZBA Member and Selectboard representative Rick Ladd made a motion to nominate Dick G. for the position. ZBA member Denise Russell seconded the motion. Dick G. called for a vote. It was two in favor of Dick G. and Dick G. abstained. Dick G. was duly elected as the board's chairman.

Rick L. then made a motion to nominate Denise Russell to the position of vice chairman of the Haverhill ZBA. Dick G. seconded the motion. Dick G. called for the vote which was two in favor and one abstention (Denise R.). Dick G. declared that Denise R. was duly elected.

Moving on to the public hearing for a request for a special exception to the aquifer protection ordinance submitted by Randy Cassidy for property located on French Pond Road, identified as Tax Map 410, Lot 49. Dick G. said the proposal was to construct two 500-foot by 49-foot structures for chicken egg production facility.

Dick G. asked if Randy Cassidy or a representative was present for the hearing. He did not get any response. The board said they would give Randy C. five minutes to show up for the hearing, or they would adjourn.

As the board waited for Randy C., a member of the public attending the meeting asked for the meaning of a request for a special exception from the aquifer protection ordinance meant.

Dick G. said the town has an ordinance that describes what kinds of things can and cannot happen in an area described as an aquifer protection area which is mapped in Haverhill. In a nutshell, Dick G. said, there shouldn't be any harmful discharges into the aquifer at all.

The audience member asked why the ZBA would give a special exception to the ordinance, especially to a non-resident of the town. Dick G. said it really doesn't matter who the applicant is, no one has the right to pollute the town's water.

Denise R. said there were three ponds in the area and wetlands as well. The audience member said there's a lot of water that flows through the area and which affects a lot of people in the area. The audience member said there are a lot of people with wells in the area and make a living off the land that would be affected by the project.

Rick L. said the whole purpose on the wetland aquifer ordinance is to make sure a facility can reasonably and safely be located in that area. He said that was the purpose of the board is to make sure water is protected. He said he's familiar with area and its relations to being the headwaters for North Haverhill's drinking water. He said all that information would be consider as the board goes through it's process.

Kevin Phelps identified himself a representative of Randy C. and farm manager of Pete and Gerry's Eggs who has been asked to help. He said he came to answer questions about how the facility would work and answer any concerns the board might have. He said the facility would be a completely organic facility. That means there would be no pesticides, herbicides of any kind, he said.

Dick G. called for a point of order and said the ZBA had not formally accepted the application yet as there is no one who has presented any information about what is going on. He said the board could not get into any discussion without the applicant being present and giving his testimony.

Rick L. said the board really shouldn't be discussing the application until the applicant was present.

At 7:07, Randy C. showed up at the meeting. Dick G. said the board was about to adjourn. Rick L. made a motion to go into public hearing at 7:07 p.m. for the purpose of hearing the application from Randy C. Denise R. seconded the motion. The vote was unanimous.

The hearing opened at 7:08 p.m. Randy C. presented the board with the application. Dick G. asked if the applicant had a map. Randy C. unfolded a hand drawn map. Dick G. asked if Randy C. had a map drafted by a professional surveyor to scale.

Randy C. said he was trying to get maps from the USDA in Orford but he has been unable to get them through the new computer system. He showed the hand drawn map and pointed out where the buildings would be located.

Rick L. said the members should go through the zoning ordinance and make sure all items have been submitted. The map Ladd said eight items should be listed on there including abutters and lots to scale. Dick G. said the map does not meet the scale requirement it's too small he said. Dick G. said he would hire a surveyor to map the property and certify it. That way the town has a way to make sure the buildings are going to be built where they say they will be built, Dick G. said. He said there was no precision to Randy C's map. Consequently, Dick G. said, the board doesn't have any precision to locate the buildings in relation to wetlands and the aquifer. Dick G. said he would need a surveyor to map the lot.

Randy C. said his whole business plan is based on getting approval to build on the property. He said he didn't want to invest a lot of money in the design to get denied. Dick G. said he understood that dilemma. Dick G. said the ZBA's job is to enforce the ordinance and follow the rules.

Rick L. said the ordinance is adopted by the townspeople and the ZBA has to follow it. He said for the ZBA to consider an application, it has to be complete. He said that the map doesn't fit the rules of the ordinance. He also said the application needs a list of all the chemicals stored on the property and regulated substances. Rick L. said the application needs to consider if Department of Environmental services need to be considered.

Rick L. said the application says there will be no septic on the property. He said the property will likely need a bathroom. Rick L. said there should be a bathroom on the property for staff and visitors.

Because the application was not complete and there wasn't sufficient information upon which to make any decisions. Because the application was not complete, the board decided it could not continue with the meeting or the public hearing.

There being no other business to come before the board, the public hearing was closed and the meeting was adjourned at 7:45 pm.

The minutes were based on a magnetic tape recording as the clerk was not present at the meeting.

Respectfully submitted,

Ed Ballam

Clerk