

## Haverhill Zoning Board of Adjustment

### Minutes

April 10, 2014

The meeting was called to order by Chairman Dick Guy at 7 p.m. Attendance was taken and in addition to Dick G., members Rick Ladd, Denise Russell and James Graham were present. Clerk Ed Ballam was also present. A quorum was noted.

Dick G. told the public there were plans available for review and agendas. He asked that the public sign in as well.

Dick G. commented that this being the first meeting of the year, new officers needed to be elected even though it wasn't part of the agenda.

Rick L. nominated Dick G. for the position of Chairman it was seconded by James G. The vote was unanimous. Dick G. asked for nominations for Vice Chairman. James G. nominated Denise R., which was seconded by Rick L. The vote was unanimous.

Dick G. said the meeting had been called for Cumberland Farms at 189 Central Street, Woodsville, Tax Records as Map 104, Lot 48, which is seeking a special exception from the town's aquifer protection ordinance. Dick G. asked if everyone had seen the application, all affirmed they had.

James G. made a motion to accept the application as complete. Rick L. seconded the motion. The vote was unanimous. He then opened the public hearing on the application.

Attorney FX Bruton represented Cumberland Farms and gave an overview of the project. He said he has worked for the company for 18 years. He said he was appreciative of the effort the town and the ZBA had made so far. FX B. said he believed the application answered most of the questions and addressed concerns the board might have.

He explained the location of the site is known as the former Grafton Motor Sales lot. He said the building and project will represent the new generation of Cumberland Farms and they are excited about relocating to the car lot site.

He said Cumberland Farms is a New England company and it is very conscious of where they are and how they interact with the region. Therefore, the building design is to stand out and have a pleasing appearance.

FX B. further explained that the proposal for Woodsville is very much like others they have proposed in other communities and it will operate as a convenience store with four fuel pumps in the front with underground fuel tanks and Dumpsters located appropriate.

He described the curb cuts to allow access to the site and how they compare to what exists currently at the site. He added that the plan has been submitted to the state and they are reviewing it. He said if the board had any specific questions, he would ask the engineer to more fully describe the traffic pattern proposal.

FX B. wanted the board to be aware that as configured currently, the site has 51,000 square feet of impervious surface. He said the proposal calls for less than that with more areas for recharge, by reducing the amount of impervious surface to about 36,000 square feet.

He said the fuel tank, monitoring and delivery systems would be state of the art when installed. He said the only water that would go into the recharge area would come off the roof of the building and the canopy. All water from the site pavement and other areas would be managed and more thoroughly explained by the project engineer later.

FX B. also said the fuel tanks themselves would be state-of-the-art double walled with many safety features with containment systems built in. The site will also have a system of catch basins to control water and fluids on the site.

FX B. then went through the list of criterion the ZBA has for a special exception from the ordinance. He said the project would not have an adverse effect on the ground water and it would actually be an improvement over the current configuration of the site because the amount of impervious surface would be reduced. Much of the water would also be allowed to recharge naturally, he said. Other water would be captured in basins and managed. He said the underground tanks would be monitored and feature state of the art technology.

He also said the project would not have any long term adverse effects on water quality in the area.

FX B. said any spills at the site of any kind would be controlled and not allowed to enter the ground water. He also explained the list of potentially hazardous materials that would be found in greater than household use quantities. He said some of the items on the list are oil, windshield washer fluid. He said there would not be huge quantities of anything, but there would be more than what would be found at most households. He also explained that everything would be sealed and controlled and not have anything that wouldn't be found in a home in any case. He said there would only be items found in a household available, just in greater quantities.

He said the site will not produce or have any regulated substances, other than the gasoline in the underground tanks.

He said any construction and site work at the location would also be managed and not harmful to the aquifer. He said he believes the site and the application address, and meets, all the criterion for the special exception.

FX B. turned the presentation over to Civil Engineer for Cumberland Farms. He explained that the existing site has two buildings with about 50,000 to 55,000 square feet of impervious surface. He explained the storm drain system on Forest Street and Central Street and how it goes down South Court Street toward the treatment plant. He explained any run off from the site is captured in a closed drainage system with catch basins and storm drains and curbing around the entire site. Everything that is on site is controlled on site. Discharge is handled by storm drains and catch basins.

XX said there were test pits done on several places and it was mostly sand down to the water table at 12 feet. He said site would be monitored and controlled by the NH Department of Environmental Services on a regular basis.

James G. asked about a catch basin and where it goes. Dick G. said the particular catch basin on precinct land goes straight over the bank.

Dick G. said he had concerns about the change in the discharge of the water over the bank on to property owned by Walter Young and said the applicant may want to check that and address and issues that might change the amount of water going over the bank. He said the land in question is along the railroad bed where the logs are stored.

XX said that there most likely would be much less run off water leaving the property because of the improvements and the reduction of impervious surface.

James G. asked about retention ponds on the site and XX said there had been some consideration about use of a pond, but the elevation and slope of the land did not lend itself to it being useful.

Dick G. asked about fuel tanks. He said he was relieved to learn they were fiberglass and that takes a lot of questions out of his mind. XX said the tanks are double lined and have sensors and monitors. Leaks would be detected by the monitoring system and employees are trained about what to do in the event of a like and minor spills, XX said.

Dick G. asked about the lines from the tanks to the pumps. XX said they are two lines in one, also double lined which means any leak in the initial line would be captured by the second line and go back into the tank. XX said the system is state-of-the-art and it made it easier for them to get permits from the state because of the quality and design of the system being used.

Dick G. asked about floor drains in the building in the retail store. XX said if there was any floor drains installed, they would be connected to the sewer system. Xx said there's no actual food preparation on the site and everything is prepackaged and trucked to the site.

Denise R. asked about the size of the tanks. XX said they would be in excess of 20,000.

Rick L. asked about a sidewalk XX said there is a small sidewalk in front of the building. He also said there would be some ADA disable accessible parking as well.

Dick G. asked if the public had any questions. There were none.

Rick L. said the only question he had was in relation to traffic. He said the ZBA is not a traffic board. XX said Cumberland Farms is working with the state Department of Transportation on that issue.

Rick L. said the project is similar to Wal-Mart and in a similar location.

Resident Jo Lacaillade said she did have one question in relation to water run off from one property to a neighbor's. She said neither the town nor the ZBA have any control over the run off on to neighbor's property, but she wondered who does have authority if there is a problem.

FX B. said he doesn't anticipate any problems because the project will actually reduce the amount of run off that already occurs at the site. He said the run off already affects certain properties and that's just where it goes. He said by reducing the amount, there shouldn't be any problems

Dick G. said where the water goes now, down over the back toward the rail road bed will not affect any home owners. He said it is a large open area used for logging. FX B. said that reducing the amount of run off should be helpful, not a problem.

XX said that if the plan had increased the amount of run off, or changed the direction in which it flowed, that could be a potential problem. However, the Cumberland Farms project did neither and actually should improve the situation.

Dick G. said he does not believe the run off on to Walter Young's property is going to be a major concern. He added that much of the water in the catch basin that Cumberland Farms will use captures much of the water and run off from Forest Street already.

Denise R. asked if the catch basin on Forest Street would remain. XX said it would with some slight modifications to the grate and a pipe connection inside of it.

Dick G. asked if there were any other questions. Hearing none, Dick G. distributed member voting sheets to fill out. He did not take a ballot as to make sure there were no ties.

After collecting the voting sheets, Dick G. said the request for the exception to the aquifer protection ordinance for Cumberland Farms had been unanimously approved by the voting members.

Dick G. signed an approval letter and gave it to the applicant. Dick G. asked about the time frame for the project. FX B. said the traffic and driveway permits have been submitted to the DOT and the design work for the tanks have been submitted to the DES. That process typically takes two to three months, he said, adding that the state is allowing Cumberland Farms to do some site work and preparation while the application is being considered.

Having completed the public hearing. Dick G. moved on to the remaining items on the agenda.

He asked for a motion to accept the minutes from the previous meeting of Oct. 17, 2013 meeting. James G. made a motion to accept the minutes, seconded by Rick L. The vote was unanimous.

Dick G. mentioned the state Office of Energy and Planning training being offered in Whitefield and encouraged anyone who was interested in attending to make arrangements to do so and the town will pay for the registration.

Jo Lacaillade, who is also the town's administrative assistant, said she believed the board just accepted the first set of minutes from the chicken farm meeting. She said they were submitted far beyond the legal RSA requirement. She said they have to be available within five working days after the meeting. She said that Clerk Ed B. is aware of the requirement and mentioned there is a similar problem with the planning board. She said to meet the requirements of the RSA, the minutes have to be available, unapproved, to the public five working days after the meeting.

Rick L. asked why is it taking so long to get them done. Jo L. said she thought Ed B. just has a lot of irons in the fire. She said she has talked to Ed B. many times. She said it is important to have them done because decisions need to be recorded.

Dick G. said he will make sure Ed B. gets the message.

James G. made a motion to adjourn, which was seconded by Denise R. the vote was unanimous.

\Respectfully Submitted based on a tape recording,

Ed Ballam, HZBA Clerk