

Haverhill Zoning Board of Adjustment

Minutes Dec. 28, 2017

The recording device was turned on at some point in mid sentence and recorded 27:49 minutes.

The recording picked up discussion as ZBA member Bill Daley said the board had no enforcement authority. He said the board can put conditions on an application, but once the ZBA approves it, that's it, the board has given them carte blanche to do whatever they want

Chairman Dick Guy said it wasn't on the board to make sure the applicants do what they say. Bill D. said paving was an example. Dick G. said if the board asked for paving, he said it wasn't on the board's watch to make sure it was completed. He asked if the selectboard representative wanted to weigh in on the discussion.

Selectboard Representative Wayne Fortier said he had only been to one other ZBA meeting. He said there was some discussion about paving and gravel during the hearing Osterman's application. He said he recalls the ZBA members wanting gravel and the applicants wanted to stay away from pavement.

ZBA Member James Graham asked if the applicants for the Osterman application were going to resubmit the plans. Wayne F. said he did not think the board required any new plans. Dick G. also said that was his understanding as well.

Wayne F. said he did not know what the regulation say, but he said the application is not much different than the Osterman's application. He said that application had underground tanks. There was debate about how big the tanks were Wayne F. said 10,000 gallons and James G. and Dick G. said 30,000 gallons.

James G. mentioned about the power company that took over a building south of the village and how the board had required them to take water samples tri-annually, but the ZBA never saw the results. He said he knows the power company did their testing, but they were never submitted to the board.

Wayne F. said that was quite a while ago, he thought. Wayne F. asked if James G. wanted updated plans.

James G. said a long time ago when he was chairman of the ZBA, it was his understanding that the applicant had to submit copies of the plans. He said it shouldn't be Clerk Ed Ballam's job to do all of that. He added that along that same line, the application form had a certain couple of pages, but he said he thinks the board should have gotten the whole application. He said the board got pages 5 and 6. He said he emailed Ed B. and asked for the full application and he had gone on vacation.

Board member Sandy Howe said all she got was pages 5 and 6. Sandy said the only thing is pages 5 and 6. There are no other pages. She said what is in the file is exactly what the board has.

Dick G. said he's not sure what is even missing. Sandy H. said pages 1 through 4 are missing. Dick G. said that halts the process for us because the application is not complete.

Sandy said she's not 100 percent sure what the complete application looks like as she's never seen one or how many pages it is.

James G. said he raised the issue with Ed B. saying the board has to attest to the fact that the application is complete and he asked for the rest of the application. James G. said he wouldn't hold that against Erik White because that's what he may have been told. He said going forward, Ed B. should make sure we get full copies of the application, he said that was his opinion.

Dick G. said the board should just follow the order of the agenda. He asked that attendance be taken six minutes into the recording. He said Sandy H. knows who was present. No formal roll call was taken. The voices of Dick Guy, James Graham, Bill Daley, Wayne Fortier and Sandy Howe are heard on the recording. Jo Lacaillade was in the audience and heard on the recording.

Dick G. asked for approval of the minutes of the Sept. 27, 2017, meeting. James G. made the motion to approve the minutes as presented, Wayne F. seconded the motion. The motion was approved by a voice vote.

Dick G. asked for a motion on the application. Wayne F. made a motion to not accept the application as it is not complete. There are missing pages on the application and missing information and James G. seconded the motion. He asked for a vote on the motion to reject the application on the grounds it was not complete. The vote was unanimous.

Dick G. said there was no need for a hearing on the application as it was not complete.

On item seven, the need for a new application, Dick G. said he doesn't recall any discussion about that. James G. said he did and he actually had a couple of mocked up versions submitted, but he does not know what happened to them. He said he would look for them.

Dick G. said the board just voted that the application was not complete so the board was passing it over.

Jo Lacaillade asked what was missing on the application. Wayne F. said pages 1 through 4 were missing. And there may be additional pages than just pages 5 and 6. Jo L. said there's not a full application anywhere. She said that Ed gave them just the one that need he knew we needed to fill out. There's not a full application in the office, we've asked for one, Jo L. said.

Dick G. asked if the application has been lost and if it has, it can be recreated from an old one. Jo L. said he's asked Ed to make a new one for quite a while because the old one is so faded. Dick G. said the simple answer is the old one needs to be resurrected and perhaps the one James G. has can be looked. James G. said he had gone on line and looked at a few other towns and mocked up an application that Haverhill could use.

There was some discussion about why the applicant was not present. Jo L. asked if the applicant was told 7 pm. Dick G. said all the notices said 6:30 and the advertisement said 6:30 as well. Dick G. said the phone number doesn't work and the Sandy H. said the only one they have is on the check.

Jo L. said Ed B. said there the application wasn't complete, there wasn't even a page one with the name and address on it. Jo L. said she told Ed that's all they have in the office. She said Ed B. came back and said you need this, and this and this. Jo L. said she will go down and look in other places in the building for the Whites because there are other people in the building.

Jo L. said she did not see the letter that went out in the mail. Jo L. asked Sandy if she had the copy of the one that went in the mail. Sandy said she did not. She said they have notices that were posted that say 6:30. She said she has notices of the ones that came back.

Dick G. said the letter was brief because the Superintendent of Schools forwarded it to him because the school district is an abutter and he is chairman of the board. Dick G. said he told the superintendent's office not to bother to attend.

Dick G. said the board needs to work on the application. Jo L. said she has asked for the new application for at least two years. Dick G. said he hopes the board can do it a little quicker.

Jo L. asked what the applicant needs other than the completed application. She said they wanted to close by the first of the year which is not going to happen, but it wasn't the end of the world.

Bill D. said he has questions about their plan. He said the plan says they plan to store four 55-gallon drums on a special pallet with a drain and special containment system and the list of chemicals they provided doesn't have anything listed in 55-gallon drums. He said there's a waste oil container and he wondered what happens to that stuff. He asked about the paint room and how is that contained. He said he believes it is properly contained, but he wants to know how and he said that's why the board was there to protect the aquifer. He asked why there is a special pallet if there is nothing that is stored in 55-gallon drums.

Dick G. said he said the structure has a drain. He would like to know where the drain goes. James G. said he figured they were going to use this type of pallet structure to contain these items.

Bill D. said he envisions a pile of cans that can wobble and get off the pallet easily.

Dick G. said they need to have a concrete floor with no floor drains. If they do have floor drains, they need to have a safe system. Jo L. said that's part of there design.

Dick G. said the bottom line is they need to prove there will be no accidents that will cause anything to get into the aquifer. The board members agreed. Bill D. said there's no height issues.

Sandy H. said she has a question about the use of a hazardous waste removal company. She said she wonders if they're using the same one they currently use. She wonders how the pallet is emptied.

Jo L. said the board has a clerk and she is disappointed that the clerk didn't ask these questions ahead of time. Jo L. said she talked to Ed about the application and he said it wasn't complete. She said she asked what do you need and she said he

said the board needs a full application. She said she asked him to come and find one for us because we sure don't have one. And came and dug around and dug around and did not come up with one. He gave me a copy of someone else's. She said she didn't think it has any other pages. She said Ed B. gave her a copy of Phil Blanchard's application. I gave him a message when they got the other stuff in the other day and that's when he came in and sent it to you. She said she was frustrated, because the board has a clerk. James G. said the clerk should have a copy of the application. James G. said he has a record's retention box and he probably has a copy of the application and probably has a clean copy. He said there's nothing he can do to go back in time and recreate it.

James G. said regarding the questions the board has, this is the time to raise those questions with the applicant and there's no way the clerk could ask those questions ahead of time. Jo L. said if the board wasn't going to be happy with the full application the clerk should have known that.

James G. said he asked for a full application, but didn't get a response. He said it now makes sense why there's an agenda item on there for a new application. Jo L. said even the one the board has been using didn't have fees put on it so she said the staff is always scrambling to figure out what the fee is. She said it used to be \$50 for a ZBA application and now it's \$150 but there's nothing on the application and it needs to be there. She said the certified fees change all the time.

Dick G. said it's not hard to find an old application and resurrect it. He added it might be an opportunity to improve on it as well. Jo L. said it has been on the list to upgrade application for a long time. She said it's not the board's fault because it has a clerk.

Dick G. said he wondered if the clerk needs to be asked to resurrect the old one and the board could try it again on the application.

Jo said an old application could be whited out unless James G. has one. James G. said he would look and he could have staff do it as a scan in.

Jo L. asked if the meeting could be rescheduled and postponed and she wondered about advertising. Jo L. said she's shocked that Karen and Erik are not here because she and the Whites have talked about it over and over again. She said she's concerned why they didn't come. Jo L. asked if their card came back. She asked if they signed for their card.

The card did not come back, according to Sandy H. Wayne F. asked if it was published in the paper. Jo L. said it was. Jo L. said she's sure they were sent a letter. She said she was sure they're on the abutter list. Sandy H. said she did not have a receipt or card for the Whites. Sandy H. said they are not on the abutter list. Jo L. said they should have been sent one and Ed B. knows that.

Dick G. asked where it is located in the park. Jo L. said it was one removed from Superior Foam.

Wayne F. asked if the form the town uses is a state form or one of the town. Jo L. said it's a town form made by the ZBA. Jo L. said the form has been in place since before she arrived in town. Jo L. said it's been copied and copied so it's gotten faded.

Sandy H. said the abutter was charged to get one and she made sure they were charged.

Dick G. said he believes the board could recess, or postpone the hearing. Dick G. asked for preferences for time.

The board discussed possible times for another meeting. By consensus, the board agreed to reschedule the meeting on Jan. 11, at 6:30 pm. Dick G. said he would come in and look at what the application looks like when it comes in.

Jo L. said she would speak to the Whites personally as it appears they did not get a notice. Jo L. said she knows the applicant and knows they would have been at the meeting. She said they need to get moving on financing and working with state.

Dick G. asked how the clerk's position works. Jo L. said the clerk is hired by the town. Jo L. said the clerk has not had any bad reviews because she said the staff doesn't work with him every day. Jo L. said it's up to the board to review him. She said she knows the planning board doesn't want to deal with personnel issues, but she said she will deal with this one. She said this is serious.

James G. said Jo L. knows the big picture and it impacts everyone. Jo L. said it does. Jo L. said her goal to get it done tonight wasn't just because the town is the seller. She said she's never had to go through any application with the ZBA, so she said she thought it should be with the town's to figure out how it works. She said she was frustrated on both ends, because the town is the seller. Jo L. said the buyer is not going away next week.

James G. said he would be in to look for the records retention box and the application. He asked if the boxes were cataloged and recorded. Jo L. said they were not. James G. offered to show how the bank retains records.

Dick G. asked for a motion to close the meeting. James G. made a motion to postpone the meeting to Jan. 11 at 6:30 pm Wayne F. seconded the motion. The vote was unanimous.

The meeting concluded at 6:58.

Respectfully Submitted based on an audio recording.

Ed Ballam

Clerk, Haverhill Zoning Board of Adjustment