

ZONING BOARD OF ADJUSTMENT

APRIL 4, 2013

PRESENT: Wendy Freeman, Chairman, David Lage, Marianne Graham, Clark Baldwin, Becky Doyle, Joanne Meshna

The meeting was called to order at 7:30 p.m. at the Town Office. Clark was appointed as a regular member for this evening's meeting.

7:35 p.m. USA Properties, Inc. - Request for a rehearing:

USA Properties, Inc. submitted a request for a rehearing of the Zoning Board's decision of March 21, 2013 that denied their variance application. The Board reviewed the request and responded to the points made by the applicant:

1. Failure to notice the hearing - A hearing date of January 2, 2013 had been scheduled. In a letter dated December 13, 2012, Mr. Simpson requested that the hearing be continued to early March. The Board granted the continuance and informed Mr. Simpson by letter on January 8, 2013 that the hearing had been continued to March 7, 2013 at 7:45 p.m. There was no further communication from the applicant.
2. If they had received notice, they would have asked for further continuance - As stated in #1, the applicant was notified.
3. The Board had indicated at the first joint meeting on the application that it did not want to proceed until after the applicant had resolved important outstanding issue with the Planning Board - Members agreed with that statement.
4. The Board did not process the application according to law - The Board did review the application at the March 7, 2013 meeting. There were a lot of questions the Board had, however, no-one was present for the applicant. A variance application was needed for the number of lots and that had not been submitted. The burden of proof is on the applicant. The documentation did not address all the Board's concerns. The applicant failed to make their case.

David made a motion to deny the request for a rehearing. Marianne seconded the motion and it passed unanimously.

7:50 p.m. Beverly Alden - Public hearing for special exception application:

The applicant owns lot 11/124, 545 Turnpike Road, in Village District II. She submitted an application for a special exception from Article V, Section D. of the Zoning Ordinance to permit a small retail gift and flower shop at that location.

Ms. Alden submitted a driveway approval from the State Department of Transportation. There are four parking spaces to the east of the dwelling and located 20 feet from the side boundary. There is room to back up and turn around without backing out onto Turnpike Road. The parking area is 37 feet from the right-of-way to the road and the spaces are 9 feet wide. The driveway permit authorizes a gravel driveway and the applicant stated she would be using reclaimed asphalt. The Board was not concerned about the difference but Becky suggested the applicant have the driveway permit changed so there would be no questions in the future.

The gift/flower shop will occupy approximately 682 square feet of the first floor. Clark referred to Article V, Section D. which states that the foundation of the building cannot exceed 1,500 square feet. After figuring the square footage of the foundation, it was determined to be a few feet over the 1,500 square foot requirement.

The applicant was asked what would be sold and she responded potted plants, cut flowers, balloons, and gift baskets. Deliveries would be made locally. There are two entrances into the shop.

The Board reviewed the criteria for granting the special exception:

1. The specific site is an appropriate location for such use - Only cosmetic changes will be made inside or outside to the structure. There are other businesses in that area. There will be no impact to the neighbors. The structure will continue to look like a home.
2. The use as developed will not adversely affect the adjacent area - Total area of the foundation does not exceed 1,500 square feet. No structural changes.
3. There will be no nuisance or serious hazard to vehicles or pedestrians - There is good visibility for cars and pedestrians. Ample off street parking will be provided. A barn located to the west of the dwelling will be taken down and a garage erected in its place. The Board noted it was against the law to have cars back out onto Turnpike Road and suggested a small sign be placed in the driveway to inform customers.
4. Adequate and appropriate facilities will be provided for the proper operation of the proposed use - There is ample parking. The side door will be used as the main entrance. There is a bathroom on the main floor.
5. Such approval would be consistent with the Master Plan... - No problem with consistency with the Master Plan.

Abutters and interested parties were invited to speak:

Jim Shultz stated he was in support of the application. Shelley Labvie also stated her support of the application.

Marianne made a motion to close the public portion of the hearing. David seconded the motion and it passed unanimously. The Board entered deliberations and reviewed the criteria for granting the special exception.

1. The specific site is an appropriate location for such use - Members agreed the site was appropriate and had no concern for the foundation of the building being slightly over 1,500 square feet.
2. The use as developed will not adversely affect the adjacent area - Will be an improvement to the area.
3. There will be no nuisance or serious hazard to vehicles or pedestrians - Only concern was the backing up of cars onto Turnpike Road. Members agreed putting up a sign would be a good idea.
4. Adequate and appropriate facilities will be provided for the proper operation of the proposed use - Appropriate facilities are provided.
5. Such approval should be consistent with the intent of the Master Plan... - Is consistent with the Master Plan.

David made a motion to approve the special exception application. Becky seconded the motion and it passed unanimously.

8:20p.m. Ten minute recess.

8:30 p.m. The Zaremba Group for Dollar General Stores - Public hearing for a variance application:

Wendy stated that Dollar General Stores has submitted a new variance application. The variance is from Article V.B.& D. of the Zoning Ordinance. She explained that the hearing would not go much past 9:00 p.m. and asked that the applicant present what was different with this application as compared to the previous application. Then abutters would be invited to speak. At the next meeting, the applicant can do a full presentation.

Matt Casey from The Zaremba Group presented to the Board. Mr. Casey stated that the store will not be owned by The Zaremba Group but by Dollar General. The first application that was filed was for 5-6 variances and after comments from the Board the application was changed. They now have Tom Carron's home under contract. By doing this they were able to shift the store back and to the east. The only variance they now require is from Article V. B. & D. of the Zoning Ordinance to permit a retail store in a 9,100 gross square foot singly story building foundation where small retail with a foundation not to exceed 1,500 square feet is permitted.

Another significant change is the storm water management. They are able to curb the property, treat the storm water on site and release it into the wetland area in a much pure, cleaner quality than it is now. Also, the Temple Road entranceway is closed. There is only one driveway entrance and that is on Turnpike Road.

Wendy noted that the house adjacent to the applicant's property had wetlands in the back and asked if the applicant met the 50 foot setback to wetlands. Mr. Casey stated they would check into that.

Laurie Rauseo conducted a traffic analysis for the store. She stated that she had done an evaluation with the single driveway and there was no change in terms of the level of impact. Trucks come into the site from Turnpike Road, back into the paved area in front of the store area, and back down to the loading dock. There is one main delivery per week and smaller trucks come as needed.

Mr. Chris Nadeau explained that they will be replacing the existing septic system designed for 2,300 gallons per day with a 460 gallon/day system at the back of the building. There is an agreement in place for the well with the School Board. The School Board will be maintaining the well. Dollar General will be paying maintenance fees and will not be the supplier. The location for the well is not changing.

Abutters and interested parties were invited to speak:

Heather Mahoney asked about the well. Dollar General will be making contributions annually for maintenance and upkeep of the well to the School Board. Gary Somero added that the deeds going back to 1938 state that the School owns the well forever. Dollar General would grant an access easement to the school. Wendy asked if the agreement was done. It is in draft form. Jeff Salmonson responded that they would give a copy of the draft to the Board at their next meeting.

Ms. Mahoney stated that the store will impact her business; she will be put out of business. There is already a store in Jaffrey and she could not see a need for one here. Mr. Casey responded that they would get a letter from another site where they put a store. It is not a fair statement to say she will go out of business. Wendy noted that the Dollar General will not have a deli. She asked Ms. Mahoney what percentage of the business is the deli and what percentage is the other. Dollar General will not have a deli.

Shelley Labvie stated she was in support of smaller stores, not huge stores.

Pat Lage stated she was against the 9,000 square foot building in town. New Ipswich is a cute, quaint little town and the Master Plan says 1,500 square foot for a reason.

Mark Hopkins stated he felt as Ms. Mahoney did. The Dollar General will be taking customers away. His deli is not a significant part of his business.

Jim Shultz stated he supported the project. It will clean up the site. He understood competition and sometimes that makes it better. He felt the store would be a good addition to town and was nothing to be afraid of.

Earl Somero asked about the traffic flow now and what it will be in the future, how many customers will be attracted on a daily basis and is the well a dug well, drilled well, etc. Gary Somero responded that it is 600 feet deep and flows 7 gallons/minute.

Ms. Rauseo explained the results of the traffic study. With the school 90 trips during peak hours in the morning and about 30 trips in the evening were generated. With Dollar General 10 trips in the morning hours, 46 trips in evening and on Saturdays about 67 trips during between peak hours (11:00 am. and 1:00 p.m.), would be generated. Turnpike Road has 3900 vehicles per day on it and the hourly flow is between 400-600 per hour. No improvements (turning lanes) were required by the NH DOT. At the intersection of Temple and Turnpike Roads, the level of service was a C on a scale of A to E; the delay for vehicles coming off Temple was negligible as a result of additional traffic on Turnpike. Ms. Rauseo referred to her report dated February 7, 2013, page 6 for further information on the intersection. Because of the economy, growth rates are low; in this area about a 1-2% annual growth rate would be expected. Wendy asked at what grade more than a flashing light would be needed and Ms. Rauseo responded than it would take a lot of development on Temple Road before the DOT would install a traffic light at the intersection. Ms. Rauseo was asked about the impact of the closure of Greenville Road and she responded that she could not find any counts for Temple Road and could not tell what the difference would be. She noted that the crosswalk across Turnpike Road at the school site should be relocated; the State would need to decide if a crosswalk was warranted at all. David asked if the applicant would consider putting in a sidewalk on their side and Mr. Casey responded that would be fine if the Board wanted that.

Earl Somero asked how much traffic would have to occur before a turning lane would have to be put in. Ms. Rauseo responded that the number of left turns going into the site, how much traffic is opposing those left hand turns and speed are what would be considered. In this situation the volumes are not that high and the flow is very peaky. It would probably take a 30,000-50,000 square foot store to reach that level.

Greg Hanselman asked if beer would be sold at the store and the response was that it was not. Further he stated that even though the building has moved around on the site, it is still a 9000 square foot building in the Village District.

Ann Shaw asked how far off the road the store would be located and she was shown a map locating the store. She further stated that the Master Plan allows only buildings with foundations of 1,500 square feet. She does not want the store; it will put her daughter out of business. There will be more traffic. The store is not a good fit for the town.

Jay Lehtonen stated he was against the proposal as it will put other stores out of business.

Jeanne Cunningham stated she had always supported the New Ipswich Market and Hoppy's and will continue to do so. However, she was in support of the store coming into Town as the Town needs revenue; there are not enough businesses in town.

Cindy Farley, an employee at the New Ipswich Market, stated the store is going to put people out of work. There should be something better that can go in there.

Megan Cain stated she is also an employee of the Market. She is against the store; that is not what the town needs. If the store goes in, it is going to hurt all the markets.

Michael Cain asked about the Temple Road access and why it was eliminated. Mr. Casey responded that there was drainage going through that area; eliminating the entrance allows them to restore the drainage and put in landscaping.

The hours of operation are from 8:00 a.m. to 10:00 p.m. and are based on the amount of business they are getting.

Becky made a motion to continue the public hearing to May 2, 2013 at 7:45 p.m. Marianne seconded the motion and it passed unanimously.

The meeting adjourned at 9:35 p.m.

Respectfully submitted,

Joanne Meshna
Land Use Manager