

Zoning Board of Adjustment Minutes
Wednesday, November 17, 2021
Town Hall
7pm

Present: Board Members Chair Jan Galloway-Leclerc, Vice-Chair Myra Mansouri, Clerk Tom Murray came in about two minutes after Ms. Leclerc called the meeting to order, Ernie Vose, Pauline Barnes. Alternates Don Sellarole, Judy Trow and Dave Edkins.

Recording: Marilou Blaine. These minutes were recorded. **They are unapproved and will be reviewed at the December 2021 meeting for corrections, additions and/or omissions.**

Roll Call: Ms. Leclerc called the meeting to order at 7 pm. Board member Mr. Murray was absent so she asked Alternate Trow to take his place on the board. While members were reading the minutes Mr. Murray arrived and Ms. Trow stepped down.

Minutes: Corrections and additions of the October 2021 minutes: Ms. Barnes asked that it be noted in the minutes on page 3 that her statement “Mr. Graves had a whole pile of asphalt near the pit” was an observation, not a critique. On page 4 Ms. Barnes said that the word attended should be attend and the word followed should be follow and on page 3 she suggested deleting the word “This”, which started a sentence in the third paragraph from the bottom. On the same page, paragraph 5, Mr. Murray said the beginning of the sentence should read “This is a concern of the state if...”. On page one, Ms. Leclerc asked that the ages of the two boys be changed to 10. Mr. Murray made a motion to accept the amended October 2021 minutes. Ms. Mansouri seconded the motion and the motion carried.

Signage for storage units owned by Red Barn Lane LLC, Map 12, Lot 13-3, commercial district.

A site plan for the 5 buildings of storage units totaling 37,450 square feet was recently approved by the Walpole Planning Board. Mr. Jim Phippard represented John Pappas of Swanzey, the owner of Walpole Store-It. Mr. Phippard brought along a picture of a 25-square-foot sign, slightly below the 32 square feet permitted in the sign ordinance in a commercial district, that would be placed on the western boundary. It is free-standing sign with lighting from below. It would be placed 60 feet from Red Barn Lane. Mr. Phippard said additional signage will be placed on the building such as identifying its letter and noting such things as the entrance to the buildings or keeping the door closed. These signs are 18-inches-by-24-inches.

Mr. Vose asked how far the sign would be from Route 12. Mr. Phippard said several hundred feet. Ms. Mansouri asked when the storage units would be open. Mr. Phippard pointed out on the site plan a place where there would be a key pad at the entrance to the units and said it would be open 24 hours a day. Mr. Vose said that that was typical of this type of business. Mr. Murray asked if there would be a “coming soon” temporary sign. Mr. Phippard didn’t think so but if it was decided later that a “coming soon” sign was a good idea, he would come back to the zoning board because it would be a temporary sign. Mr. Phippard said there would be a construction sign, which is allowed. Mr. Vose made a motion to approve the sign as presented. Mr. Murray seconded the motion and the motion passed unanimously.

Update on article on ZBA for the Clarion.

Ms. Barnes and Ms. Mansouri volunteered to write an article or articles describing what the zoning board does and why. Ms. Barnes said there was a delay in their meeting because of a health

issue. Their first meeting was on Tuesday. Ms. Mansouri said they decided to start with how and when the zoning ordinances came to be written, in other words, zoning ordinances history. Ms. Mansouri remembered that there were two or three years in a row that the idea of having zoning ordinances was presented on the warrant and it took that long to get a “yes” vote. The year it passed was 1968. She also said that since the holidays were coming up, the article wouldn’t be ready until after the new year so it would be early next year, maybe January. Ms. Barnes said they would take it in small sections, probably explaining a variance, a special exception and signage since those are the three most frequent items that come before the board.

Mr. Edkins recommended that it was important to include the word “adjustment” because that is the proper terminology and the word adjustment explains what the board does. He said it is sometimes called Zoning Board of Appeals.

Ms. Leclerc also wanted the article to include that the Walpole Zoning Ordinances are permissive, meaning that if something is not mentioned in the ordinances it’s not permitted.

Ms. Barnes suggested that board members think of a catchy title for the articles and let Myra or her know about it.

Changes and addition to variance application.

Ms. Barnes noted at the October meeting that Sue Fillion in the September minutes made her realize that the language in our variance application is different than the language in the RSA. In the criteria section, No. 2 in the RSA says a variance “will not be contrary to the public interest.” But the Walpole variance application says “granting the variance would be of benefit to the public interest.” Since this has a different meaning, shouldn’t the application be changed to conform to the RSA? Ms. Barnes asked. Ms. Leclerc said our paper work should be the same as the state’s and the rest of the board agreed.

So on page 1, it was agreed that the board could change “Granting the variance would be of benefit to the public interest” to “Granting the variance will not be contrary to the public interest” on the application. Also on page 4, second paragraph from the bottom “Deliver three completed applications” was added to the paragraph. The secretary needs one application to put with the applicant’s permanent file and the Town Offices also need to keep a copy of the application. The secretary will make the changes to the variance application.

Gravel pit inspection form.

Ms. Trow submitted the inspection form for the Graves gravel pit. Ms. Barnes and Ms. Trow inspected the pit on October 14, 2021. There were no concerns at the Graves gravel pit, Ms. Trow said. The secretary will write a letter to Mr. Graves confirming that the Graves gravel pit has had its yearly inspection according to RSA 55:E and include a copy of the inspection form.

Discussion of minutes of February 20, 2008 and parking at 11 Maplewood Circle Day Care Facility.

Chair Jan Leclerc was contacted by the Manager of Administration, Sarah Downing, about a complaint from a homeowner who lives next to a day care facility in Maplewood Circle. The homeowner complained that parents who had children at the day care facility were parking in her driveway and blocking her driveway. Ms. Leclerc wanted the board to look back at the original minutes to see what had happened at the meeting that discussed having a day care facility at that location. Ms. Leclerc wasn’t sure why the owners of the day care facility were at the meeting in 2008 since they didn’t

require any appeals.

The meeting was not a public hearing, it was an informational meeting, said Ms. Mansouri, who was chair of the zoning board at that time. It was determined that the day care facility was in the commercial district. All the land along Main Street and 250 feet back from that road is considered to be in the commercial district. While the day care facility is on Maplewood Circle, a residential B neighborhood, the property for the day care facility is 175 feet from Main Street, so technically it's in the commercial district. Day care facilities are a permitted use in commercial districts so it didn't need a variance or special exception.

Mr. Murray disagreed about the zoning district. He said he had checked the town zoning maps and the tax card said that the day care facility was actually in the Residential B zoning District. In fact he went out to the front hall, retrieved the folder for the property and brought it into the meeting to show the rest of the board. The tax card did say Residential B, but the rest of the board said it was a mistake made by Avitar. The day care facility is in the commercial district.

After considerable discussion it was determined that the zoning board did not have the authority to deal with this matter and it was the Select Board that should deal with this complaint. Ms. Leclerc will attend the next Select Board meeting to discuss the matter.

Adjournment:

Mr. Vose made a motion to adjourn the meeting. Ms. Mansouri seconded the motion and the motion carried.

Respectfully submitted,
Marilou Blaine

cc: ZBA, WPB, Town Offices, The Walpolean

Posted: Inside the Town Offices, on the bulletin board outside the Post Office, www.walpolenh.us

Next meeting is Wednesday, December 15, 2021.