

Zoning Board of Adjustment Minutes
Wednesday, December 15, 2021
Town Hall
7pm

Present: Board Members Chair Jan Galloway-Leclerc, Vice-Chair Myra Mansouri, Clerk Tom Murray, 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 January 2022 meeting for corrections, additions and/or omissions.**

Roll Call: Ms. Leclerc called the meeting to order at 7 pm. A full board was present.

Minutes: Mr. Vose made a motion to approve the minutes as printed. Ms. Mansouri seconded the motion and the motion carried.

New Business:

Signage: US Cellular. 48 Meadow Access Lane. Tax Map 12, Lot 55 13A, commercial district.

Heather Dudok – Auburn, MA

Heather postponed the meeting until January. She does not have a revision of the new sign yet.

Delia Blanchard – Information about building a modular home on her property. Ms. Blanchard did not attend the meeting.

Chris Linkin – Discuss car detailing shop at 455 March Hill Road.

Mr. Linkin explained that he was interested in purchasing the property at 455 March Hill Road for a car detailing business. He said he has looked elsewhere in Walpole, but has not found any other location for his business. This property is in the rural/agricultural district so it will need a Special Exception to operate a commercial business there. The building has previously been an automotive shop, a butcher shop and a bakery shop for pizza dough. According to the Walpole Zoning Ordinances a special exception in a rural/agricultural district needs the following:

C. Special Exceptions

Industrial, manufacturing and commercial operations by Special Exception from the Board of Adjustment when fulfilling the following requirements:

Consideration of Planning Board recommendation on the project based on its determination following a Public Hearing that:

1. Property currently zoned for industrial, manufacturing and commercial operations is either unavailable or inadequate for the proposed use; and the proposed use is appropriate and consistent with the Town's Master Plan.
2. Each proposed use must show that it will not infringe on the primary established use of the district.
3. No industrial, manufacturing or commercial venture or use shall be permitted which could cause any undue hazard to health, safety or property values or which could be offensive to the public because of noise, vibration, excessive traffic, unsanitary conditions, noxious odor, smoke, or other similar reason.
4. Each proposed use shall provide adequate off-street parking, including loading

customer vehicles. Additional parking may be required based on the size and nature of the business.

5. Businesses shall be located at least 65' from the center line of any right of way and not less than 20' from each side or boundary. Greater distances for setbacks and boundaries may be required according to the nature of the business.

6. All signs shall meet the requirements of Part D of the General Provisions of the Zoning Ordinance.

7. No retail commercial building shall be permitted which exceeds 40,000 square feet in gross floor area.

While the building has living space as well as space for his business, Mr. Linkin will not be living there so it won't be considered a home business. Mr. Edkins asked if he had a diagram of the property, that it would be helpful. Mr. Linkin passed out a copy of the advertisement to sell the property. The advertisement had photographs of the 5,292 square-foot building as well as an interior shot of the work space and a map of its location. Mr. Edkins asked Mr. Linkin if he was going to do any painting of cars. Mr. Linkin replied no. Ms. Leclerc explained that he needed a recommendation from the Planning Board and then he had to come back to the Zoning Board for the Special Exception. Ms. Leclerc also asked if he was going to spend more than \$10,000 on renovating the space. If so, he needed to get site plan approval from the Planning Board. Ms. Trow explained that meant the \$10,000 was for construction or renovations of space. He doesn't plan to make any improvements to the building.

So the timetable is as follows: Mr. Linkin will go to the Planning Board in January 2022 to ask for a Public Hearing for a recommendation to have a car detailing business at 455 March Hill Road in the rural/agricultural district. He fills out an application, abutters are notified of the public hearing and a legal notice appears in The Keene Sentinel. If the Planning Board gives their recommendation to Mr. Linkin, he returns in February to the Zoning Board of Adjustment for a public hearing for a special exception to have a business in the rural/agricultural district.

Mr. Vose made a motion to hold a public hearing in February 2022 for a special exception to have a car detailing business in a rural/agricultural district after a recommendation from the Planning Board and completions of all the applications and fees. Ms. Barnes seconded the motion and the motion carried. Ms. Mansouri noted that if Mr. Linkin intended to have a sign at the March Hill location, he needed to come back to the Zoning Board. The secretary will put him on the Planning Board agenda for January 2022.

Update on day care center – Maplewood Circle.

In November the Zoning Board discussed the 2008 minutes of a Zoning Board meeting in which there was discussion of the Home Away from Home Day Care, a child care center on Maplewood Circle Road. A homeowner, who lives across from the day care facility, complained that parents who had children at the day care facility were parking in her driveway and/or blocking her driveway so when she wanted to leave for work she couldn't. She also complained about trash in her yard. The Board wanted to look at the original minutes in which the day care facility was discussed.

In the meantime, the Select Board, at its December 2nd meeting, met with the person running the day care center, Ms. Jenny Laplante, to discuss parking and the location of their dumpster. The day care facility is in the commercial district because it is within 150 feet of Main Street. Day care facilities are permitted in commercial districts. At the Select Board meeting it was decided that the dumpster should

be screened behind a fence or other structure. Ms. Laplante said she would screen the dumpster and the Select Board was agreeable to waiting until the spring for the change.

The recent Select Board minutes say “the road is two lanes and the cars are actually on her property. Their driveway has always been as it is now. Mr. Dalessio agrees that some cars are parked in the field. No ordinances says they cannot park across from the driveway. He had Police Chief Sanctuary look at the area; he indicated there are no violations. Two cars can pass each other and there is adequate room for emergency vehicles. Ms. Pschirrer asked about the zoning approval when she appeared before that Board (in 2008). Ms. Laplante said it was never their intention to park in the driveway. Their lot is plowed in the winter to allow for parking. There would probably be 5-to-6 cars parked there during a normal work shift. Mrs. Leclerc (chair of the Zoning Board) pointed out that in the meeting minutes Ms. Laplante stated that all cars would be parked on her property. The neighbor has to drive over a berm to get out of her driveway. Mr. Dalessio asked why all the cars could not park in the lot. Ms. Laplante explained that depending on the season the ground could be soft in spots/slushy. She worries about people falling.”

Amanda Raney is the person who made the complaint and she was at the Zoning Board meeting and was thinking about an appeal to what she thought was the Select Board siding with Ms. Laplante. She may file an appeal.

Mrs. Raney said people picking up children at the day care, some park in her driveway or park so it blocks her car in the driveway. She’s complained about the problem and asked that it not happen. Also, Mrs. Raney said the owner has expanded her space so she now has three playgrounds instead of one. There is a field at the end of the property for parking where everyone can park. She stated that a couple of years ago one of her children almost got hit by a car while the child was playing in the driveway.

Also she has found trash in her yard that has blown out of the dumpster, which is in the front yard of the day care property. Another complaint is that it’s sometime 7 or 8 at night before children get picked up. Her children go to bed at 7:30 and it’s noisy. She showed the board members a video of the line of cars and some photographs that she had taken.

Ms. Raney said she has to get close to the cars to get our of the driveway to go to work or wait a couple of minutes while someone is trying to maneuver out of the line of cars to leave. The berm was put in by the town to direct water.

Ms. Laplante runs the day care, Ms. Leclerc said. At the meeting the Select Board said they thought it was okay for the cars to park on the road because even though it’s a town right-of-way, it’s technically her property. And at the meeting, Ms. Laplante said she never said people could park in the driveway. Ms. Leclerc said that is the opposite of what is says in the 2008 minutes. Also, she currently has a total of 45 children, 24 of which are after-school placements. This is many more than the stated number of children mentioned in the 2008 minutes. At the recent meeting with Laplante, the Select Board said that if anyone doesn’t agree with what they said that they could appeal to the Zoning Board. Ms. Raney doesn’t agree that the parking situation is okay.

Ms. Leclerc pointed out to Ms. Raney that if she files an appeal it will cost her some money. There is \$150 for the application and \$8 for each abutter. The day care facility has probably four or five abutters. So the total would be about \$200. Then there would be a public hearing and Ms. Raney would explain her point of view and any members of the public could speak. Then the Zoning Board would make a decision. According to Mr. Edkins, the Select Board has to abide by the Zoning Board’s decision on the matter. There is also the matter of time. Ms. Trow pointed out that the Zoning Board Bylaws say that Ms. Raney had 30 days from when the Select Board made its decision. That would

be January 2, 2022.

The abutters would be the abutters of the day care center not Ms. Raney, Mr. Edkins said. Mr. Edkins also asked about police equipment near the site. Ms. Raney thought it might be for counting cars. Ms. Raney said she has lived there since 2013. It's a lot of traffic in and out, it's noisy. She said she just wanted to come home and relax and not worry about cars. There's trash blowing all over her yard. It attracts wild animals, Ms. Raney said.

The dumpster that is currently in the front yard has been taken care of, Ms. Leclerc said. There are 45 children enrolled in the day care facility. About 24 are for after school placements. Ms. Laplante said she had 24 children there at one time. Mr. Murray said that is about three-quarters more than she said in the 2008 minutes.

Ms. Leclerc wants to look at the 2007 zoning ordinances booklet to see if there is anything in the ordinances about parking in a commercial district. She thought there might be a typo and that all businesses had to have ample parking spaces for their employees and customers in a commercial district.

It was suggested that Ms. Raney talk to husband about the appeal and then tell the secretary her decision. Ms. Raney said, "I'm not the only one having issues. I want it fixed."

It's complicated. It a commercial venture in a residential neighborhood, Mr. Edkins said. It never got to have a site plan because it complied with the zoning ordinance. But there have been many changes since 2008.

Ms. Raney asked if all the board members at the meeting would have a vote. Ms. Trow said there needed to be a majority of three votes of a five-member board to make a decision. Three members of the meeting that night were alternates.

It was finally decided that since Ms. Raney has never had a chance to tell her side of the story to the Select Board, she should attend a Select Board meeting and tell her story. That wouldn't cost her anything and she could always go back to the Zoning Board.

Update on Clarion Article

Ms. Mansouri, Mr. Vose and Ms. Barnes have been working on an article for the Walpole Clarion to familiarize the public on what the Zoning Board does. Mr. Edkins said since the board is an appeals board, he would sign the article Walpole Zoning Board of Adjustment, not just Walpole Zoning Board. He would also say the main purpose of the board is to hear appeals from the strict terms of the zoning ordinance or its interpretation by other boards. Others suggested informing the public on when and where the board meets.

Re-ups for next year. Ms. Leclerc and Ms. Mansouri have terms that finish in 2022.

Adjournment:

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

Respectfully submitted,

Marilou Blaine

Recording Secretary

cc: ZBA, WPB, Town Officials, The Walpolean

Posted: Inside the Town Hall, on the bulletin board outside the Post Office, www.walpolenh.uc

