

**Zoning Board of Adjustment
January 19, 2022
Town Hall
Hybrid – In-person and Zoom
7 pm**

Present: Board members: In-person Chair Jan Leclerc, Vice-Chair Myra Mansouri, Clerk Tom Murray, Ernie Vose, Pauline Barnes was on Zoom at her home. Alternates: In-person Don Sellarole, Judy Trow was on Zoom at her home. Absent: Alternate Dave Edkins. Zoom technician Jeremiah Phaneuf was also at the meeting.

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

Meeting Opened: Ms. Leclerc called the meeting to order at 7 pm.

Minutes: Review minutes of December 2021 meeting. Ms. Barnes corrected the name of the owner of the day care center. It should be Jenny Plante. On page 4, paragraph 4, Ms. Barnes added the word “her” before the word “husband.” On page 2, last paragraph, Mr. Murray corrected the number 150 to 250 feet from Main Street as the commercial district. Mr. Vose made a motion to approve the minutes as corrected. Mr. Murray seconded the motion and the motion passed by voice vote of the Board.

Old Business:

Signage: US Cellular. 48 Meadow Access Lane. Tax Map 12, Lot 55 13A, commercial district. Heather Dudok – Auburn, MA **US Cellular has canceled this project. The sign will remain as it is for now.**

Chris Lakin – 455 March Hill Road, Tax Map 11, Lot 54, rural/agricultural district. Update on car detailing shop at March Hill Road location. Chris is planning on going to the January Planning Board meeting to request a public hearing in February for a recommendation for a commercial business in a rural/agricultural district. He will be at the February ZBA meeting for a public hearing. **Mr. Lakin decided not to purchase the property.**

Update on day care center – Maplewood Circle. Ms. Leclerc said she and Ms. Mansouri went to the Select Board meeting in late December 2021 when the abutter attended. Ms. Leclerc was asked what she thought the Select Board should do. Ms. Leclerc suggested that the day care center, because of its expansion since 2008, needed a site plan. She and Ms. Mansouri also attended the Planning Board meeting on January 11, 2022 and Ms. Leclerc said Mr. Miller said he would call Ms. Plante about a site plan. He told an abutter of the day care center, who was at the meeting, that she would be getting a certified letter about a public hearing on the matter.

Ms. Leclerc said one thing about this situation was that it reminded her of the Ruggiero situation. “We were told one thing and then it turned out to be something entirely different,” she said.

Ms. Leclerc said she had an email from Ms. Plante asking to meet her privately. Ms. Leclerc declined and invited her to come to this meeting. She responded that she didn’t want to discuss things in public.

Discussion of 2007 zoning ordinance and discovery that parking was not part of the Special Exception criteria but part of the ordinance.

Two errors have been found in the current 2019* Walpole Zoning Ordinances document. In Article VI Commercial District, Special Exception there is a third criteria that should instead be labeled D. The Article should read:

C. Special Exceptions

1. Wholesale establishments, filling stations, automobile repair garages and used car lots under permit from the Board of Adjustment when said Board is satisfied that parking and loading requirements are satisfied.
2. Industrial and manufacturing operations by Exception from the Board of Adjustment when fulfilling the requirements set forth in Article VII.

There should be no No. 3. No. 3 is actually part D of the Commercial District ordinance and it should say:

D. If any proposed use is such as to attract vehicles, ample space shall be provided on the property to park and load such vehicles.

After looking at all the ordinances on their amended dates, it was discover that this mistake was first found in the 2018 zoning ordinances document.

The second error was in Special Exception Rural-Agricultural District. The current zoning ordinance document reads,

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.

There are five more criteria that follow. These are all correct. The first criteria should read:

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

- i) Property currently zoned for industrial, manufacturing and commercial operations is either unavailable or inadequate for the proposed use; and
- ii) the proposed us is appropriate and consistent with the Town's Master Plan.

Ms. Leclerc will be sending all board members and alternates copies of the entire document with the corrected pages. After the March warrant meeting, the corrections will be incorporated into an amended 2022 copy of the Walpole Zoning Ordinances.

Clarion article No. 2: A second article that will appear in the February Clarion is about signs. There were two corrections to the committee's draft. In the third paragraph Ms. Vose suggested changing "is" to "may be" possible and in the same sentence add "or a variance" before "after a public hearing." Three board member collaborated on the article: Pauline Barnes, Ernie Vose and Myra Mansouri. Ms. Leclerc applauded them on their excellent job.

Zoning Map

Ms. Leclerc showed the board an enlarged zoning map of the town. It was originally printed in 1968 when zoning ordinances were first written for the town. Ms. Leclerc said that there should be something on the wall in the large meeting room of the first floor of the Town Hall that illustrated the town's five zoning districts. Then different boards could refer to the map, if needed at a meeting. Because the map was printed in 1968, it didn't have some of the information that is more current and that has been voted on since 1968. For example, Dearborn Circle and the Well Protection Overlay District are not shown on the map because both the subdivision and Well Protection District were created after 1968. It was suggested that there was another more current map created by Antioch University students, which is dated 2012 and which Ms. Mansouri said was created for the Conservation Commission. This map is also large but in color, which delineates the zoning districts more distinctly and, perhaps more importantly, it is more up to date. The secretary was asked to get a price on framing the map and Mr. Sellarole volunteered to ask Mr. Peter Palmiotto if there is a digital form of the map and if copies could be made from that. More to come on this matter.

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

Respectfully submitted,
Marilou Blaine
Recording Secretary

cc: ZBA, WPB, Town Offices, The Walpolean.
Posted: Inside the Town Hall, on the bulletin board outside the Post Office.

Next meeting: February 9, 2022.