

Zoning Board of Adjustment Minutes
May 18, 2022
Town Hall
7 pm

Roll Call: Board members present: Chair Jan Galloway Leclerc, Vice-Chair Ernie Vose, Clerk Tom Murray. Alternates present: Don Sellarole and Dave Edkins. Absent: Board members Pauline Barnes, Tom Winmill; Alternate Judy Trow. Ms. Leclerc asked Mr. Edkins and Mr. Sellarole to fill in for the two missing board members.

Also at the meeting were Tim Latham, Gregory Taylor, Cindy Westover, Lisa and Jim Putnam, Myra Mansouri, Select Board member Cheryl Mayberry.

Minutes: On page 5, regarding Mr. Bruce Blanchette's gallery on Prospect Hill Road, Ms. Leclerc wanted it noted that the board did not approve the gallery, but the board agreed that Mr. Blanchette's presentation of the gallery conformed to the ordinance. On page 6, Mr. Murray wanted the first paragraph of the "Attachment" paragraph to say "it was noted" in place of "it was decided" and add "from March" after the word list. Mr. Winmill's name was also misspelled. Mr. Edkins made a motion to approve the amended minutes. The motion was seconded and it carried.

Old Business:

Public Hearing No. 1:

Expansion of a Non-Conforming Use: Elizabeth Roos, 14 Middle Street, Article V D-2, Tax Map 20, Lot 77, Residential B. Ms. Roos would like to change and enlarge her deck at the back of the house. This hearing is postponed until June.

Public Hearing No. 2:

Special Exception in a rural/ag district:

Public Hearing: Tim Latham proposes to purchase property on March Hill Rd for his electrical business. Article VIII, C, Tax Map 11, Lot 53, 455 March Hill Road. The Planning Board voted to recommend Mr. Latham's proposal to the Zoning Board at its regular May 2022 meeting.

Mr. Latham proposes to move his electrical business from his home at 380 March Hill Road to a building at 455 March Hill Road. Ms. Leclerc mentioned that last week the Planning Board voted to recommend this proposal to the Zoning Board of Adjustment. The recommendation is criteria No. 1 of the application. Mr. Latham was at the ZBA meeting to explain and read his answers to the criteria required for approval for a special exception in a rural/agricultural district. He also had previously provided photographs of the building he hopes to purchase including a cement block garage on the property, which he intends to remove because it is in disrepair, and a photo that shows the location of the garage location near the road. The Chair asked if the abutters had been notified. The secretary said the abutters were notified and the fees paid. Mr. Latham's answers to the criteria. The criteria is in bold. Mr. Latham's answers are in italics.

2. Each proposed use must show that it will not infringe on the primary established use of the district.

In the past the building has been a slaughter house, pizza dough manufacturing business and a car shop.

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.
The electrical contractor shop would have no unsanitary conditions, noise, vibration, odors, etc. If anything, property values would gain as I fix the building up.

4. Each proposed use shall provide adequate off-street parking, including loading facilities for freight and delivery trucks, and parking spaces for employers, employees and customers' vehicles. Additional parking may be required based on the size and nature of the business.

No loading docks will be needed. I have myself and 2-4 employees at one time. The small garage in front will be torn down as it is in disrepair, the wall is caving in and that will provide addition parking. The parking lot easily will park 10 cars now.

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

The building is existing. I am not adding to the structure.

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

I will not have any signs.

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

There will be no retail business.

Mr. Latham concluded reading his answers. Ms. Leclerc asked if there were any questions. There being none Mr. Murray made a motion to approve Mr. Latham's special exception because it meets the criteria for his electrical business for a commercial enterprise in a rural/ag district based on his answers to the criteria. Dave Edkins seconded the motion and the motion carried. The board voted unanimously for the special exception and Mr. Latham will receive a letter of approval and a copy will go to the Town Offices.

New Business:

Lisa Putnam, 101 Sand Hill, rural/ag. Ms. Putnam and her husband were looking for information on how to create a small kitchen to start a small food business. There's not a lot of commercial kitchen space in Walpole, Mr. Putman said. Mr. Edkins asked if it would be a catering service. Ms. Putnam said she wouldn't be catering to them, customers would pick up their prepackaged food at her home. She called it a charcuterie business with appetizers and food platters. Mr. Vose said he thinks it would require a public hearing so your neighbors would know what you're doing and could respond to an increase in traffic. Ms. Leclerc said it needs either a special exception or could be thought of as a home business.

Ms. Putnam has talked to the Department of Environmental Services as well as the health and food department that regulates kitchens. She must have a specific type of refrigerator, three sinks and counter space for a prep area. She does not need a stove. She would be the only employee. The business requires permits from the state. Ms. Putnam would have a menu and customers would order

online. Foods would be picked up Thursday through Sunday. Currently the Putnams are thinking of building a small shed, maybe 8 feet by 14 feet, or converting a vehicle into something like a food truck or trailer for preparation and pick-up of the food platters. Mr. Putnam said they are also considering putting this in the basement of their home.

Mr. Murray asked if this building would be something like a garden shed. Ms. Putnam said yes. Mr. Murray said that the building has to be 20 feet from any abutters. They have a piece of property that backs up to a road and could put the building or vehicle in that area. They would need to add a new driveway so they would need to get a driveway permit from Mike Rau in the highway department. Mr. Putnam said that was how he was thinking. It's like someone who sells pies out of their house. It just means different tools. Instead of an oven you need a temperature controlled refrigerator.

Are there any covenants on the property? Mr. Vose asked. Mr. Putnam said no. The space would have room for three water tanks for the three sinks, a separate water heater and a prep counter. There would be no need for a bathroom. She expects to use about five to 10 gallons of water a week to wash the perishables and the water would be disposed of independent of the septic system. Mr. Murray asked about a sign. Mr. Putnam said maybe a 2 foot by 3 foot sign on the building.

Ms. Putnam asked how would it be different than a snow mobile trailer that people have in their yards. No one comes to your home to look at a snow mobile trailer, a board member said. Mr. Edkins said if it's a separate building it would need a special exception so abutters would have a chance to weigh in on the proposal. Ms. Leclerc said she was leaning that way since it is a commercial operation in a rural/ag district. This special exception would also require a recommendation from the Planning Board, similar to Mr. Latham's previous request from the Zoning Board. A board member asked how much they intend to spend on a building. Mr. Putnam said maybe \$5,000 to \$10,000. Any expense on a building of \$10,000 or more requires a site plan with the Planning Board. The secretary will send the Putnams a copy of the applications and they will get back to the Zoning Board if they decide to go ahead with the business.

Signage: US Cellular, 48 North Meadow Access Road. Article IV, D-6, Tax Map 12, Lot 55-13A, Commercial District. Owner of building is Blackmer Holdings LLC. Sign company called Stratus. Evelyn Negron contact. Haven't heard from her this week.

Since the secretary hasn't heard from Ms. Negron in a couple of weeks, this item will be dropped from the agenda.

Clarion article for May – Non-Conforming Uses

The article says "Any non-conforming lot, dwelling, or business may continue in its present use.

"Non-conforming Use means the use of any building, structure or land which does not conform to the use regulations of the district in which it is located.

"When any existing non-conforming use of land or building has been discontinued for one year the land building shall thereafter be used only in conformity to this Ordinance.

"A non-conforming use may be expanded or enlarged or changed to another non-conforming use after the Zoning Board of Adjustment determines, after a public hearing, that the proposed expansion, enlargement or change will not materially increase the hazard or nuisance value of the non-conformity."

Mr. Vose and Ms. Mansouri collaborated on this article. After a short discussion the board decided that this article for the Clarion needed a little more work. Dave Edkins offered to do that and it will be discussed again next month.

Applications on website – Expansion of Non-Conforming Use, Bylaws, Special Exceptions, etc.

The zoning board members are in the process of going over all applications to improve their clarity, make sure they have the same language as mentioned in the RSAs and correct any typos. Mr. Sellarole said he looked at the applications from the state and liked the fact that there was some kind of consistency and they are standardized. Ms. Leclerc said one of the problems with using the state applications is that the applications Walpole have are tailored to the town's zoning ordinance. For example, special exception applications vary according to the zoning district where an applicant wants the special exception. So a special exception in the industrial zone has a different criteria than a special exception in a commercial, rural/ag or residential zone. Each one has specific and different criteria.

Also, looking at all the applications at the same time is a big job. After a short discussion it was decided that board members will only tackle one application at a time. Since the special exception in rural/ag application has already been corrected and is on the website, the next most popularly used application is a variance. So zoning board members should carefully look over the variance application, make sure the criteria is the same as the state application and RSA and come back to the meeting next month with suggestions or corrections or both.

Copies of Zoning Map from Antioch

Ms. Leclerc went to a Select Board meeting to talk about making copies of a zoning map of Walpole created by students at Antioch University. While discussing the map with the Board they realized there were certain things that were missing from the map and needed to be added or changed. For example, there is a large portion of the map that is blocked out from being visible because the legend is placed over that area. For example, the section behind Walgreen's is commercial and there were changes to the zoning district on Ames Plaza Lane. What Ms. Leclerc envisioned was two pages, one with the entire map and another with the legend and additional information. She approached Mr. Peter Palmiotto, a professor at the university, about the changes and he is going to see if it's possible and get back to Ms. Leclerc.

Adjournment

Mr. Edkins made a motion to adjourn. Mr. Vose seconded the motion and the motion carried. The time was 8:25 pm.

Respectfully submitted,
Marilou Blaine
Recording Secretary

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 June 15, 2022.

