

**Zoning Board of Adjustment Minutes**  
**Wednesday, June 15, 2022**  
**Walpole Town Hall**  
**7 pm**

**Present:** Chair Jan Leclerc, Vice-Chair Ernie Vose, Clerk Tom Murray, Pauline Barnes, Alternates Judy Trow, Don Sellarole and Dave Edkins. Absent Tom Winmill. Also attending the meeting were Chris Carbone, Myra Mansouri, Tammy Simpkins and Amanda Raney.

**Minutes:** Written by Marilou Blaine. **This meeting was recorded. These minutes are unapproved and will be reviewed at the July 2022 meeting for corrections, and additions and/or omissions.**

**Call to order:** Ms. Leclerc called the meeting a couple of minutes after 7 pm.

**Minutes of May 2022 minutes:** On page one, the third paragraph, Mr. Murray noted that the word in the fourth line should be “voted,” not noted. On page one, sixth paragraph, second to last line, Ms. Barnes pointed out the sentence should read “the criteria are” and on page 2, No. 4 response add “al” to the word addition. Ms. Trow made a motion to approve the minutes as amended. Mr. Vose seconded the motion and the motion carried.

**Old Business:**

**Public Hearing: 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 the deck at the back of the house. The door to the deck is the second egress from the house. The door is even with the deck and gets frozen shut in the winter. The plan is to drop the deck down one step and make it 6 feet longer.

This public hearing was postponed until July.

**New Business:**

**Chris Carbone lives at 65 Elm Street** and he said his property is considered non-conforming. He would like to tear down a shed behind his home and replace it. Ms. Leclerc asked Mr. Carbone if he had been to the Town Offices and Mr. Carbone replied yes. He was at the meeting to get permission to build a shed and he thought he would need a Variance or Expansion of a Non-Conforming Use.

Ms. Leclerc told Mr. Carbone he could replace the shed without either of these applications if it were the same size. Mr. Carbone said he wanted one that was narrower and a different size. Ms. Leclerc told him that he would need an Expansion for a Non-Conforming Use and he would need to fill out an application and have a public hearing next month. The secretary gave him an application and Mr. Edkins suggested he come in with a drawing of the proposed shed so he could show it to the Zoning Board and public. Instructions in the application say:

“No. 4. Describe what you propose to do. Attach sketches, plot plans, photographs, construction plans or anything else that may help explain the proposed use. Provide a visual drawing and/or map to display that accurately describes the proposal. It should be a minimum of 22 inches by 34 inches and should include surrounding areas.”

Mr. Murray made a motion to hold a public hearing in July for Mr. Carbone who is applying for an

Expansion of a Non-Conforming Use to build a shed behind his home. The motion was seconded and the motion carried.

**Variance: B&B Realty LLC, Home Away From Home day care**, owner Jenny Plante, Town Map 24, Lot 14-1, commercial/residential districts, 13 Maplewood Circle.

Ms. Leclerc explained that this was being put on the Zoning Board agenda because the previous night the Planning Board held its regular meeting and had a public hearing for a site plan for the day care center. The application was approved on the condition that it receive a variance from the Zoning Board. The owner of the day care center was not at the meeting because she was at a dress rehearsal for a theatrical production of "The Wind in the Willows," which is going to be performed several days next week during Old Home Days. The secretary will send Ms. Plante an application and as long as the application is complete and the fees paid in time for the secretary to send out certified/return receipt letters and put a legal notice in The Keene Sentinel, a public hearing for a variance would be held.

There were two members in the audience who were residents in Maplewood Circle. Ms. Leclerc gave them a copy of a Clarion article describing what a variance is. It says there are five criteria that the applicant must meet. A "variance grants permission to do something the zoning ordinance does not allow because of conditions that are unique to that property," says the Clarion article. "New Hampshire law requires it to determine that all five of the following conditions have been met. The criteria are:

- "1. The variance will not be contrary to the public interest.
- "2. The spirit of the ordinance is observed.
- "3. Substantial justice is done.
- "4. The values of surrounding properties are not diminished.
- "5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship."

Every Zoning Board member must vote on whether or not the applicant has adequately answered each criteria.

While discussing the day care facility, Mr. Murray suggested finding out exactly how far 250 feet from the edge of Main Street is to see how much of the property is residential. Ms. Mansouri said she had a wheel that could measure that. Mr. Murray and Ms. Mansouri will get together before the next meeting to measure the 250 feet.

Ms. Trow made a motion to hold a public hearing for a variance in July for Home Away From Home day care to use a Residential B property for a commercial use pending receipt of the application and fees. Mr. Murray seconded the motion and the motion carried.

### **Article for Clarion**

The article for The Walpole Clarion on Non-Conforming Use will be submitted next month. Mr. Edkins has been working with the Old Home Day Committee and been extremely busy.

## **Applications on the website**

A goal of the Zoning Board is to go over all of the zoning board applications and make sure they are correct and easily understood. Ms. Barnes worked on the previous variance application and when working on it she considered what was worth keeping and what was extraneous or redundant. For example, she reduced the amount of reading suggested to applicants in all the RSA Chapters covering planning and zoning. This copy of a variance application is a combination of the variance form in the Zoning Board Handbook and the previous variance application that the Zoning Board has been using for several years, Barnes said. Ms. Trow suggested the information about how to present a drawing of the applicant's proposal be included in the updated application. The previous application says that drawings should be a minimum of 22 inches by 34 inches and should include surrounding areas. Chair Leclerc suggested board members look over this version and make notes on any corrections or changes. They will be discussed at the July meeting.

## **Copies of Zoning Map from Antioch and SWRPC**

Ms. Leclerc said since Peter Palmiotto is already making changes to the Antioch map, she thought it best to stay with the plan to use the Antioch zoning map. The SWRPC doesn't show the additional 750 feet of property of Pinnacleview Equipment.

## **Adjourn**

Ms. Trow made a motion to adjourn. Mr. Vose seconded the motion and the motion to adjourn carried. The time was 8 pm.

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](http://www.walpolenh.us)

Next meeting: July 20, 2022.

2022 Zoning Ordinance distributed to all members.