

**TOWN OF WALPOLE
PLANNING BOARD MEETING
Tuesday, November 8, 2011**

Presiding: Jeffrey Miller (Chair); Robert Miller (Vice-Chair); Ben Daviss, Henry Fletcher, Peter Kenney, Sheldon Sawyer (Selectboard)

Alternates: Steve Dalessio, Ed Potter, Jeff White

Recording: Regina Borden, Recording Secretary

These Minutes are unapproved and will be reviewed at the December 13, 2011, meeting for corrections, additions and/or omissions. There were 27 people in attendance.

Meeting Opened: Mr. J. Miller (Chair) called the meeting to order at 7:04 PM in the Walpole Town Hall. He advised that meetings are tape recorded therefore asked anyone that wishes to speak to identify themselves.

Mr. Miller welcomed several participants in the Walpole Leadership Academy that is sponsored by Chuck and Susan Bingaman. One of their goals is to get people involved in Town government. Tonight the Planning Board was on their schedule. Mr. J. Miller provided a brief explanation of the Agenda items that will be presented. He thanked Kelly Hicks and Stephanie Stoughton for providing the refreshments.

Roll Call: Mr. J. Miller noted that regular member Mr. Eric Merklein and alternate member Mr. Donn Lounsbury were not present. He called upon Mr. Dalessio to sit on the Board for Mr. Merklein.

Approval of Minutes of the Regular Planning Board meeting on October 11, 2011, and Workshop Session on October 25, 2011.

Mr. Daviss moved to approve the Minutes of the regular Planning Board meeting of October 11, 2011, and the Workshop Session of October 25, 2011, as printed. Seconded by Mr. R. Miller. Vote called, all members were in favor, motion carried.

Public Hearings:

Mr. J. Miller opened the First Public Hearing:

Susan Jasse – Subdivide – Lot Consisting of 36+/- Acres to be Sub-divided off Existing Parcel of 226 Acres Owned by Alyson Orchard, Inc., Map # 004, Lot # 044. Mrs. Susan Jasse and Mr. Mark Houghton (who plans to purchase the 36+/- acres from Alyson Orchard, Inc.) were present. Mr. Houghton explained that this will be a separate lot of record because, even though this will abut his other property, the railroad tracks run in between the two properties. There were no comments from the public. Mr. Miller closed this Public Hearing at 7:12 PM.

Mr. J. Miller opened the Second Public Hearing:

Kenneth L. Burns – Subdivide a 7.2 Acre Lot into a 5.1 Acre Lot and a 2.1 Acre Lot, Map # 008, Lot # 076-001, located off North and Maple Grove Roads. Mr. Ted Fellows, a local civil and structural engineer, was representing Kenneth L. Burns. He explained the plan is that the present business office, house plus small cottage will remain on Lot 1 with 5.10 acres. Lot 2 with 2.10 acres will retain the pond. In 1997 they built a sewer system for the cottage and business office. Mr. Fellows submitted a Two Lot Subdivision Plan and a Site and Waste Water Disposal plan for the 2.1 acre lot. Because this subdivision involves a less than 5-acre lot it creates the need for State Subdivision Approval before they get Town approval. They will have to do test pits, a site plan, contour map and design where the well and septic system will be. It is a two step process at the State; one is the subdivision and after they get that approval they have to re-submit for the site plan, well and septic systems. They are here tonight to

present the information they have for the two lots, both lots have adequate frontage for the Walpole requirements. Lot 2 meets all the Town requirements as it has room for a house, sewer system and a well. Mrs. Mansouri asked what will happen with the five-acre lot. Mr. Fellows replied that it meets all the requirements as it is 5.10 acres. Mr. Miller noted that the PB will need the mylar and would like to know what the outline of the subdivision will be. The PB could approve the subdivision contingent on State septic system approval. After this comes back from the State, the PB will approve signing the plat. Relative to a question from Mrs. Bingaman, Mr. Fellows responded that in 1997 the original permit was for two employees working in the office at one time. If approved, Lot #2 would be a separate lot of record.

Mr. J. Miller closed this Public Hearing at 7:31 PM.

Regular Meeting:

Mr. J. Miller advised that the PB will now make a decision on each of the two Public Hearings.

Mr. Daviss moved to approve the Subdivision for Susan Jasse as presented. Seconded by Mr. Dalessio. Vote called, all members were in favor, motion carried.

Mr. Fletcher moved to approve the Subdivision for Kenneth L. Burns contingent on approval of the final plat, receipt of the mylar and State Subdivision (Septic) Approval. Seconded by Mr. Daviss. Vote called, all members were in favor, motion carried.

New Business:

Annexation – David and Wendy Snow, Southerly Side of March Hill Road: Mr. William Lawrence, Land Surveyor, was not present but the application had previously been submitted. Mr. J. Miller advised that this request for a Lot Line Adjustment is being made as the existing property line between Snow and Farnham goes through the barn.

Mr. R. Miller moved to schedule a Public Hearing for the December 13, 2011, meeting. Seconded by Mr. Daviss. Vote called, all members were in favor, motion carried.

Champlain Oil Company, Inc. – Site Plan Review Application for 549 Main Street, Map # 012, Lot # 019. Mr. J. Miller reported that Champlain Oil Company, Inc. has been before the PB before for a preliminary consultation. This will be a new Jiffy Mart on Route 12 just north of the Family Dollar store. The main objective at this meeting is to schedule a Public Hearing for a Site Plan Review for the next meeting in December. This property is zoned Commercial 250-feet back from the center line of the road and the balance is in Rural Agricultural. They had a Public Hearing with the Zoning Board of Adjustment (ZBA) for a Special Exception to build in the Rural Agricultural land. They cannot get final approval until they get a non-binding recommendation from the PB.

Mr. Paul Wamsganz advised that in general what is different than what has evolved since their last meeting is that now they have commitments to have a Subway and a Dunkin Donuts on site. When they appeared before the ZBA they applied for two Special Exceptions and one Variance. They were approved for one Variance and one Special Exception but were continued for the second Special Exception for the use in the Rural Agricultural area. They are located north of this area but are looking forward to relocating to this property. They will eliminate all uses at the current location.

Patrick Buccellato will be the Project Manager and is from Pathways Consulting, LLC. He displayed the proposed project which will be on 6.4+/- acres. The primary development would be in the Commercial Zone but there will be an approximate 92 feet enclosure in the Agricultural Zone. The site will be

comprised of a 5,200 square foot convenience store with Subway and Dunkin Donuts, a pump island with a canopy in front, a diesel island with a canopy in the back and a 36-car parking lot. They had a preliminary traffic study done that will require putting in a left-turn lane on Route 12. They continue to work with the Department of Transportation (DOT) as they will dictate what the final layout will be. There will be two exit lanes with one entrance and one curb-cut. They will hook onto the water line that has now been extended to the Family Dollar store, have a fire hydrant and hook into the sewer line. Storm-water will all be treated and infiltrated on-site. They made an effort to landscape the property to meet the Site Plan requirements; there will be an evergreen screen. A lighting consultant was hired who has provided a plan that shows zero spills at the property lines. Mr. Sawyer noted that it is on the aquifer; this means preventing contamination of the aquifer. Mr. Buccellato said there is an expensive alarm system and monitoring of the diesel and gas. It is all State approved. Mr. Wamsganz explained that today everything is highly regulated; rarely does anything happen but when it does everything goes into an alarm and central monitoring. There are very few environmental issues. As soon as anything happens their alarms go off. All tanks are double walled with a space; it can sense water coming in from the outside and sense gasoline coming through the tank into the space. This is the same situation with all the piping and plumbing; it is all double walled. The alarm goes off in the vicinity of the checkout; some are connected into their Burlington office. It is an on-going rotation inspection cycle and complies with State of NH requirements. Very rarely does gas get very far. Every facility has to have a Spill Prevention Plan and a Spill Reaction Plan; it is a combination of having “kitty litter”, a chain-of-command and it works. Everything is very, very safe now. The sites today are multi-use facilities with multiple customers.

Mr. Charles Keefe was the Manager of the current store for 25 years. He noted that many of the same employees will be working at this new building.

Mr. Houghton noted that sometimes the best prevention plan does not work. He asked if more thought should be given to the surface run-off at the site because of this location over the aquifer and the possibility of an unloading accident that could produce about 500 gallons of spillage. Mr. Wamsganz explained that they have over 100 sites and nothing like a loss of 500 gallons ever happened. Mr. Buccellato said they will have to meet all the NH DES regulations relative to this site for storm-water quality and discharge.

Mr. Daviss thinks that what will be important to the PB is that they specifically address in detail what the procedure would be in the event of a catastrophe spill. It is the PB’s responsibility to protect the Town’s aquifer. Also, since they were here the last time the PB adopted Building Guidelines so he asked that they review them.

Mr. Sawyer asked if this new facility will require a sprinkler system. Mr. Wamsganz said it will not require a sprinkler system but they will have municipal water and a fire hydrant.

Mr. Daviss asked if a project of this nature require comments from the Fire Department and the Water and Sewer Departments. Mr. J. Miller noted that it is a part of the Site Plan.

Mr. Sawyer moved to schedule a Public Hearing in December for Champlain Oil Company, Inc. Seconded by Mr. Daviss. Vote called, all members were in favor, motion carried.

Mr. Daviss moved to make a recommendation to the Zoning Board of Adjustment for a Special Exception for Champlain Oil Company, Inc. for the Rural Agricultural land to be used for this project. Seconded by Mr. Dalessio. Vote called, all members were in favor, motion carried.

Jessie Moore – Recommendation for a Special Exception: Mr. J. Moore would like to use the former Ray King’s Auto Body Repair building for an ambulance service and para-mobility service. Basically they will not be an emergency service but rather a transport service. He has renovated the building internally but there has been no change to the external footprint. There will be a staff of 11 people and four ambulances. There is more than adequate parking. No repair work will be done on any vehicles. The Zoning Board of Adjustment requested that he meet with the PB in connection with the Special Exception as this will be a change from Rural Agricultural to Commercial. Mrs. Mansouri explained that the ZBA had their Public Hearing but is looking for a recommendation from the PB.

Mr. Sawyer moved to approve making the Recommendation for a Special Exception to the Zoning Board of Adjustment for Jessie Moore for an ambulance service. Seconded by Mr. Fletcher. Vote called, all members were in favor, motion carried.

Proposed Amendment to the Zoning Board of Adjustment: Mr. Dalessio advised that several meetings ago the PB approved a Building Height requirement for the Site Plan Review. As a board they feel they should make a recommendation to add this to the Zoning Ordinance. They are proposing to take the existing wording in the Retirement Overlay District and apply it to the Commercial District and the Industrial District. The other issue is limiting commercial building to three stories as it is already the belief of most developers. The PB would like to clarify some issues in the Zoning and Site Plan Review. Mr. Jack Franks asked what benefit this will serve. Who will it help in the Commercial District. Mr. Dalessio responded that it is already there. Mr. J. Miller said it is a proposal so if a lot of people do not like it they can vote “no”. They are trying to be consistent. Mr. Sawyer noted that this is the consensus of a majority of the PB but not the entire PB. Mr. Pellerin feels they are misinterpreting what the Town attorney told them about the 35-feet in the Retirement Overlay District; the attorney says “it governs the issue”. That overlay district is not a zone. He has never seen a Commercial Zone that states a limit of 35-feet; it makes building 3 stories out of the question. Someone would need to request a Variance because you would need to demonstrate a hardship for a Special Exception.

Mr. Dalessio moved to hold a Public Hearing in December on the Proposed Zoning Amendments as presented. Seconded by Mr. Daviss. Vote called, with six members in favor, motion carried. Mr. Sawyer was opposed.

Planning Discussion:

Workshop Session: There will be a PB Workshop on Tuesday, November 22, 2011, at 7:00 PM in the downstairs office of the Town Hall.

Communications and Miscellaneous:

Peter L. Graves: The PB acknowledged receipt of a Wetlands Permit Application for Minimum Impact Agricultural Projects on Kingsbury Road for Peter L. Graves.

Adjournment: Mr. Sawyer moved to adjourn this meeting. Seconded by Mr. R. Miller. Vote called, all members were in favor, motion carried. The time was 8:37 PM.

Respectfully submitted,
Regina Borden, Recording Secretary

cc: PB, ZBA, WCC, Town Offices, BOS
Posted: Town Hall Lobby and Outside Bulletin Board, Burdick’s, Walpolean