

**Walpole Planning Board**  
**Town Hall**  
**Tuesday, February 13, 2018**  
**7 pm**

**Presiding Members:** Jeffrey Miller (Chair), Robert Miller (Vice-Chair), James Aldrich, (Secretary), Dennis Marcom, Jason Perron, Jeff White, Cheryl Mayberry (Selectboard Representative). Alternate: Edward Potter. Absent: Joanna Andros.

**Recording:** Marilou Blaine. These minutes are unapproved and will be reviewed at the March 2018 meeting for corrections, additions and/or omissions.

**Meeting Opened:** Mr. J. Miller called the meeting to order at 7 pm.

**Roll Call:** All the board members were present so no alternate was needed to fill in.

**Minutes:** Mr. Marcom made a motion to approve the January minutes as presented. Mr. Aldrich seconded the motion and the motion carried.

**Old Business:**

**Public Hearing No. 1 Public Hearing: Subdivision: Sam MacNeil Talmadge,** 211 North Road, Map 10 Lot 24, rural/ag. One lot into two. Lot 1: 18.9 acres. Lot 2: 7 acres.

Mr. Joe DiBernardo, land surveyor, represented Mr. Talmadge. His house is located at the end of High St. and North Road. Both lots conform to the zoning regulations for rural/ag – 40,000 square-foot lots and more than 762.99 feet frontage for Lot 1 and 292.22 feet for Lot 2.

Lot 2 has a “Do Not Build Zone” as well as a 50-foot right-of-way that exists to the south that goes over the Brookhurst property. Mr. J. Miller asked if there was access. Mr. DiBernardo said “yes” that there is a field area.

Someone in the audience asked about the “no build zone.” Mr. DiBernardo and Mr. Miller assumed it was a deed restriction and Mr. DiBernardo said that means that no one can build on the site of the designated area. Mr. DiBernardo also said that Mr. Talmadge also has a deed restriction that no one can build a structure within sight of his house.

Someone in the audience asked what a “no build zone” was. Mr. DiBernardo said it meant no one can build a house on that part of the property and it applies to structures of any kind. She asked how can that be. Mr. J. Miller said it is a deed restriction that when it was registered at the County Registry of Deeds, this provision was in the deed and it follows the ownership of the person or persons owning the land.

There being no further questions, the Public Hearing was closed.

**Public Hearing No. 2**

**Public Hearing: Subdivision: Greg Macri, 10 Macri Lane off of Old Keene Rd.** Residential A, Map 7, Lot 20. One lot into two. Lot 1: 9.89 acres, frontage 485.91. Lot 2: 3 acres, frontage 289.89.

Mr. J. Miller pointed out to the audience that he was an abutter. Mr. DiBernardo represented Mr. Macri.

Mr. DiBernardo said the lot comes off of Old Keene Road and then uses the center line of the brook as the property line. It's less than five (5) acres so it has to get state approval. That is in the works and there should be state approval in a few weeks, Mr. DiBernardo said.

The remainder of the lot is 9.89 acres and that's where Mr. Macri's house and garage and other structures are. There is a private drive and there is a right-of-way for other homeowners on the road.

Mr. DiBernardo handed out new maps revised because of a right-of-way on Macri Lane that is not on the other map. Lot 1 has a "little tip" and touches one of the properties to the southwest.

Ms. Eleanor Shaw asked who owns the land. Mr. J. Miller guessed it was at one time the Kupec property and then MacAulliffe owned it.

There being no more questions, Mr. J. Miller closed the hearing.

#### **Votes on the subdivisions:**

**Talmadge:** Mr. Perron made a motion to approve the subdivision as presented. It was seconded by Mr. R. Miller and the motion carried unanimously.

**Macri:** Mr. R. Miller made a motion to accept the subdivision as presented. The motion was seconded by Mr. Aldrich and the motion carried.

**New Business:** Mr. William Carmody owns a lot within the area of Ames Plaza. It is 6 Ames Lane and the lot in question is next to a company that sells sports equipment on line. The lot is also near the exit to Upper Walpole Road.

Mr. Carmody explained that there is some confusion about which district he is in. The Ames Plaza property was subdivided in 1990. Mr. Carmody purchased the property from Randy Daniels in 2005 and it was zoned commercial then, but in 2007 somehow it was changed.

The tax card says the zoning is commercial but the land is residential, Mr. Carmody said. Mr. J. Miller said that there is no record in his memory of this being changed.

The confusion may be because in March 2007, there was a zone change to Dearborn Circle and Burrows Lane from commercial to residential B. The rear of Mr. Carmody's property backs up to Dearborn Circle and a buffer of trees between the Dearborn Circle road and Mr. Carmody's lot has grown up.

The Board agreed with Mr. Carmody that the land should be zoned commercial. It was eventually decided that Mr. J. Miller and Mr. Carmody would attend the Selectboard's meeting on Thursday and straighten it out with them. Mr. J. Miller said he considered it a clerical error.

**Land next to vet hospital:** Dr. Chuck Shaw wanted to ask questions about the land next to his veterinary practice. He has talked to the gentleman who has purchased the property and the new owner intends to put a gas station there and a mini mart. Dr. Shaw told him that he was going to have a rough time to get a gas

station in a rural/ag zoned land. The new owner already has two similar businesses, one in Keene and one on Route 9 in Chesterfield, and they are called The Big Deal, Dr. Shaw's question was one of process.

Mr. J. Miller explained that the process is that he is in rural/ag and to put it a gas station in he needs a Special Exception. The Special Exception is channeled through the Zoning Board. The Planning Board participates in that it gives a non-binding recommendation to approve or not approve the Special Exception. The Zoning Board has criteria that they analyze and if they feel it meets that criteria, the Board can grant a Special Exception. Part of the criteria is that they have to have a recommendation from the Planning Board. So that's where the Planning Board come in on the process. If the Special Exception is granted, then the next step is that the owner has to come to the Planning Board for a site plan review.

Dr. Shaw asked if the Planning Board can overrule the Zoning Board. The answer is "no" but there is an appeal process and abutters can appeal the Zoning Board decision and ask for reconsideration. The big issue is with the Zoning Board, Mr. J. Miller said.

What is the track record of the Zoning Board as to decisions that they have arrived at in the past, Dr. Shaw asked. Is there a precedent about what has been done in the past when rural/ag has been changed to commercial? Does it have a history?

There has been one and it regards Chamberlain Machine, Mr. J. Miller said. The land on the west side of Route 12 is commercial but up to 250 feet back and then it become rural/ag again. Chamberlain owned the commercial part of the land on Route 12 where it is located. They also wanted the adjacent land in the back that was rural/ag. Since a lot of that land was commercial anyway, it seemed logical to grant the Special Exception.

Some of criteria is is there other commercial land. Another is a look at the Master Plan and how it sees the importance of rural/ag land in the town. Currently, on the west side of Route 12, there is the 250 rule. On the east side, commercial land goes to the bank.

### **Article No. 3 about the minor changes.**

Mr. J. Miller said after we went through everything regarding the warrant Article #3 about minor changes, the Selectboard sent the warrant articles to the town attorney for review and he had some concerns about Article #3. The Selectboard then said that they were pulling Article #3 from the warrant. But since Article #3 had gone through due process and there was a Public Hearing on the article, it couldn't be pulled. The original issue was about minor changes such as a street name that didn't match the 911 name. An attorney at the NH Municipal Association was consulted and he advised the Board to use the Article #3. The attorney said that was how the town of Merrimack resolved the issue.

Mr. J. Miller said his first reaction was we don't need this article because the Selectboard already has the power to make these minor changes. He consulted with the town attorney and he agreed. The town attorney suggested that the Selectboard make the street name change and then explain at the bottom of the ordinance what the ordinance originally was and why it was changed.

Everybody agreed that that was the way to go, Mr. J. Miller said. So on the advice of town counsel, there will be a note on Article 3 that it is no longer needed and that both the Selectboard and Planning Board approve of this. So we're advising the public to vote "no" on Article #3, Mr. J. Miller said.

**Complete Streets walkway from School to fire station:** Mr. J. Miller talked with Mike Rau, head of the highway department, about the walkway. Mr. Rau said about 7 or 8 years ago they had looked into it and it would cost about \$250,000. At the time the town was looking into putting a sidewalk there. It would possibly mean taking some land from Hubbard and RN Johnson or whoever owns it now and the cost of drainage and embankments.

The key thing is to get some seed money to rough out a plan and Mr. J. Miller said he has a call into Planner Mari Brunner of Southwest Regional Planning Commission about that.

Ms. Mayberry said if the town goes ahead with it they can get 20/80 funding for the project with the town coming up with 20 percent of the cost. Mr. J. Miller even a wide shoulder would be safer than it is now and it would be marked for pedestrians only.

**The Tavern:** Mr. Aldrich mentioned that there was work going on at The Tavern and asked if it had a building permit. After it was discussed it was noted that a commercial business can do interior work without a permit or site plan. There is no change of use or change of footprint to the building.

**New Business:**

**Discussion:** How to make Complete Streets part of the Site Plan Review and/or checklist. Postponed until the March meeting.

**Rack it up – Bike Racks –** some private business have received and installed them but at the time the town received the bikes they went to the highway department and since the road crew was tied up with cleaning up after a major storm the bike racks were never installed on town properties. Ms. Mayberry will check with Mr. Ray about a timeline for getting the racks placed and it will probably be in the spring.

**Handouts**

Master Plan

2017 Log

Spring Planning and Zoning Conference - April 28

Next regular meeting Tuesday, March 13, 2018 – No Workshop in February

Respectfully submitted,

Marilou Blaine

Secretary

cc: WPB, ZBA, Selectboard, North Walpole Commissioners, Town Offices, Walpolean.

Minutes posted: Town Hall lobby, bulletin board outside Walpole Grocery, Walpolean, Town website walpolenh.us, Walpolean.