

**Zoning Board of Adjustment
Town of Walpole
Wednesday, April 18, 2018
7:30 pm**

Present: Board Members: Chair Myra Mansouri, Vice-Chair Jan Galloway Leclerc, Judy Trow, Tom Murray, Pauline Barnes. Alternates: Ernie Vose, Bob Anderson.

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

Roll Call: Ms. Mansouri called the meeting to order at 7:30 pm.

Minutes: Minutes of March 2018 meeting. Ms. Trow and Ms. Barnes made the following corrections: Page 1 covert to convert; page 2 one to our; page 3 packed to packaged with a comma after locally; page 4 add to added, add "as" after "far" and "up" after "put"; page 5 delete 's "this was" before the words Master Plan; page 6 improved to approved, strike the word "a" and "make". Page 7 strike the word "to", coy to copy; page 8 latter to later, home to homes. Ms. Trow made a motion to approve the minutes as amended. Ms. Leclerc seconded the motion and the motion carried.

Old Business:

Great River Co-op, formally known as Great River Consumer Cooperative Society, Inc. – the organization wants to convert a chicken coop, previously used by Hubbard, on Bensonwood property, in the rural/ag zone for a store for the Co-op. Continuance of previous meeting for a Special Exception, Map 12, Lot 4-2, building 18 and Map 12, Lot 4-3 for the parking lot. President Kim Mastrianni is representing the Co-op. She requested a one-month postponement

Ms. Mansouri said that since Ms. Mastrianni asked for a postponement, the Public Hearing will be continued on May 16, 2018, at the ZBA's next regular meeting.

Public Hearing No. 2 Change of a Non-Conforming Use at the Walpole Village Store LLC, 10 Westminster Street, commercial district. Addition of a handicap ramp on the east side of the building. Karen Crowley is representing Walpole Village Store LLC.

Ms. Barnes asked why the Walpole Village Store LLC needed a Non-Conforming Use. Ms. Crowley said that it was required because they didn't have a handicap ramp before. If the ramp is mandated by federal law, Ms. Barnes asked, why did she need a Non-Conforming Use? Ms. Mansouri said the Board is just "covering our bases" and also so everyone in town knows what is happening.

At the last meeting the Board was given a design of a handicap ramp, Ms. Crowley said. Ms. Leclerc wanted Ms. Crowley to show exactly where the ramp was going. Ms. Crowley pointed out Westminster Street on the left side of the drawing. The drawing shows the ramp on the east side of the building. The rise of the ramp is 1/8 inch per foot. It starts from back of the building and goes to the front. There is a 3-foot-wide handicap door at the top of the ramp.

Ms. Barnes pointed to a window and asked if that was where the handicap door was. Ms. Crowley said "yes" and added there is also a handicap button to open the door midway up the ramp.

Ms. Mansouri asked if there were any other questions from the Board or the audience. There being none, she closed the hearing. She asked for a motion from the Board. Ms. Trow made a motion to approve the building of a handicap ramp for the Walpole Village Store. Ms. Leclerc seconded the

motion. The motion carried. Ms. Crowley was asked to submit a photo of the ramp after it has been constructed.

New Business:

Request for a Public Hearing for a Special Exception, rural/ag to commercial. D&C Transportation, Orleans, Vt. Map 10, Lot 2. Proposed Use: Filling Station and convenience store with a drive-thru. James Phippard of Brickstone Land Use Consultants LLC is representing D&C Transportation.

Mr. Phippard said he was at the Planning Board and requested a Public Hearing for a recommendation from the Board. He requested a Public Hearing for Special Exception with the ZBA for the May meeting.

Mr. Phippard displayed a photograph of Route 12. He said Lot 2 was part of a two-lot subdivision several years ago. The lot was divided into a 12-plus acre lot, on which the Veterinary Hospital is located, and a 10.2 lot that D&C Transportation now owns. The area proposed for commercial development was the green area on the map. It's about 1½ acres of the 10-plus acres.

The rest of land consists of a wooded area to the south and a field to the southwest. The Connecticut River is to the west. The proposal is to allow commercial use of the land with a convenience store with a drive-thru window and a filling station. There will be 10 filling pumps – 8 for cars and 2 for tractor trailer trucks. It's paved

The septic system, south of the building, will require state septic approval. The water for the site will come from part way up South Street at the corner of River Street. It's about 900 feet to extend it. This project will require a driveway permit from the NH Department of Transportation.

The road will comply with NH Department of Transportation regulations. An extensive traffic study was submitted with the application. There's already a left-turning from the north onto South Street on the Route 12. There will need to be a left-turning lane from the south into the property where the filling station is.

There are 18 parking spaces for passenger cars, plus 10 at the pumping stations, which includes three for tractor trailers.

The building is 6,000 square feet. The design is barn-like, which is an appropriate architecture for rural land. It includes a steep-pitched roof, three cupolas and red siding.

The landscaping includes a screened area between the filling station/convenience store and the abutting veterinary hospital, on the road side by the passenger car pumps, and the road side area where the truck parking spots will be. There are also plantings near the building.

There will be one free-standing sign that complies with the ordinance and the latest light fixtures that can be dimmed and uses the latest technology. Some of the light fixtures dim themselves if there is no activity near the light.

The convenience store will be open until 9 pm on Sunday and 10 pm the rest of the week. The pumps will not be shut off at night but remain on so a person may get gas using a credit card 24 hours a day.

Ms. Barnes asked about the number of turning lanes and about the one mentioned in the Planning Board minutes. Mr. Phippard said there is one turning right lane that will be added in the shoulder of the road.

Since this topic is generating so much interest and the Planning Board has set a Public Hearing for May and one of our criteria is a recommendation from the Planning Board, Ms. Mansouri proposed a continuance of the meeting and a Public Hearing for June 20. She asked for discussion?

"I think Myra has a good point because we are going to have another Public Hearing in May that could be lengthy," Ms. Leclerc said. "So if it's alright with the applicant." Ms. Mansouri asked Mr. Phippard if it was alright. Mr. Phippard said, "I'll leave it up to the Board."

Ms. Mansouri asked for a motion.

Ms. Leclerc made a motion to hold a Public Hearing in June for a Special Exception for Mr. Phippard. The motion was seconded by Ms. Trow. The motion carried.

Mr. Vose made a point of order about the Board accepting the application. Ms. Mansouri said she thought Ms. Leclerc said it in her motion. To be sure Ms. Mansouri asked the Board if it formally accepted the application. The Board unanimously voted that it did.

Signage: Snow Frye wants to move a sign that was attached to the building at 40 Main Street to a new location – Costume Ladies on lower Main Street. Costume Ladies has sold its inventory and Ms. Frye is moving her wellness business there. Ms. Frye teaches yoga and gives massages. She said, "It's a bigger space, has so much more parking, and I need more space for my growing classes."

Ms. Frye presented a letter from Barbara Kasper, owner of the building, stating that Ms. Frye is leasing space in the building at 73 Main Street effective April 1, 2018. The letter gave her permission to place signage on the premises for the duration of her lease as long as it conforms to Walpole Zoning Board regulations.

Ms. Frye presented a photograph of herself holding the sign she had at her former place. It is 80 inches by 20 inches and says Walpole Wellness Center. She wants to put the sign exactly where the Costume Ladies sign was.

She also would like to put a free-standing sign, 14 inches by 23 inches, out by the road. It is the sign that was part of a larger sign at 40 Main Street. There is not a free-standing sign now there now.

Mr. Anderson said the sign that was on the building conforms to the ordinance. The other sign would be too close to the road – it must be 65 feet from the center line – and therefore would need a Public Hearing. Ms. Mansouri said there is also the problem of two signs being less than 100 feet apart, Ms. Frye would need a Variance for the distance of the road and a Special Exception for the signs being too close together, Ms. Mansouri said.

Ms. Frye opted to just put the sign on the building.

The sign to be placed on the building was voted on and approved by the Board. Ms. Snow Frye passed out her new brochure to put in the file.

Ms. Leclerc had a question about the shape of the signs, that were very different. Should she go through the Variance process? she asked. Mr. Anderson said as long as the square footage does not exceed the ordinance requirement, which in a commercial district 32 square feet, she meets the criterion.

Ms. Trow agreed and made a motion to approve the sign. Her motion was seconded and approved by the Board.

Signage: Doug Palmer: wants a 15-square-foot sign at his Power Sports business at 6 Ames Lane – Residential B.

Mr. Palmer asked whether the property is in the residential B or commercial district.

Ms. Mansouri explained to Mr. Palmer that there has been some ongoing confusion about the zoning district of the building in which Mr. Palmer has his business. Originally, it was zoned commercial. But in 2007 an article was placed on the warrant to zone the Dearborn Circle area Residential B and the article was approved by the town. The two lots on Ames Plaza Lane were part of the original Dearborn Circle subdivision. That means that those lots became Residential B, and the requirement for signs in Residential B is 6 square feet. The zoning matter may be settled next year if an article is placed on the warrant and those two lots may be deemed commercial.

Mr. Palmer would like to have a 15-square-foot sign. He presented a design showing a 39-inch-by-48-inch sign is red/black/white, two-sided, with an aluminum frame, and says, “Smart Power Sports” in large letters. Smaller letters at the bottom say “snowmobile – motorcycle -ATV” and there is a telephone number. The sign would be placed between two granite posts. Mr. Palmer says it would be placed 65 feet from the center line of Upper Walpole Road. It would be perpendicular to the road.

In order to get the sign of that size in a residential B district, Mr. Palmer must get a variance. So Mr. Palmer requested a Public Hearing for the month of May for a variance to put up a 15-square-foot sign.

He asked if his business is affected in any way by having it in a residential B area. Ms. Mansouri said, “No.” She explained that residences may be used for a business as long as there are only 3 employees and there is adequate parking.

Ms. Leclerc made a motion to set a public hearing for Doug Palmer for a variance for a sign at the next meeting. Ms. Trow seconded the motion and the motion was unanimously approved by the Board.

Signage: Steve Donovan: sign for Spencer’s Place. Mr. Donovan is the lessee for a restaurant to replace the Walpole Tavern.

Mr. Donovan said he intended to take down three signs and put one up. The one sign would be smaller than all the others combined. It would be 16 inches by 10 feet. It would be in black and gold like the other signs on Walpole Foundation businesses and replace the Walpole Tavern sign.

Mr. Vose asked if the Walpole Foundation has input on the type of signs. Mr. Donovan said, “Yes.” All the signs are the same color and neon signs are not allowed

Someone asked about the name of the restaurant, Spencer’s Place. Mr. Donovan said, “Spencer Harrington lives at the end of Westminster Street. He was born with a heart disease and had four heart surgeries as a child. When he was in school he had another four heart surgeries. He had a heart transplant a year and a half ago. He had cancer that seems to be OK right now.”

Spencer is a friend of the family and when Mr. Donovan and his wife cook at the ball field and Spencer often joins in. “He loves to cook. He wants to be a chef. So it’s a no brainer in my eyes,” Mr. Donovan said. “Spencer is going to work along side us and learn the business from soup to nuts.”

The chef that was hired also teaches kids how to cook, Mr. Donovan said. There will be a Spencer’s Special. Proceeds from that meal will go to a charity of his choice, which is a pediatric organ donor

charity. And there will be Spencer shirts and hats sold. One hundred percent of those proceeds will go to the charity.

Mr. Donovan said the restaurant will open in June. Since the sign meets the criteria in a commercial district, Ms. Barnes made a motion to approve the sign. The motion was seconded and approved by the Board.

Web Site: Ryan Harrison, the town web designer, wants to meet sometime this week about what will be on the Zoning Board page. Pauline will contact Mr. Harrison and arrange a time agreeable to the group interested in working on the web site.

Update: Matrix – Ms. Trow presented a new Matrix. Board members were asked to look at it over the next month and come back with suggestions in May. Ms. Barnes asked since each zoning district has a different special exception, should there be a matrix for every district? That will be look into.

Mr. Dalessio, who said he was a commercial developer, wanted to know the time frame from the day someone starts the process for a special exception to the day it is approved. Ms. Leclerc said the person has one place to ask questions, then go to planning board and ask for a public hearing and go to the zoning board and ask for a public hearing for a special exception.

Mr. Dateless said it seems to take 5 or 6 months. He then asked if that was too long. Ms. Mansouri said “no.” Ms. Leclerc said it’s more like 3 or 4 months.

Ms. Leclerc explained someone comes to the Board and explains the project and the Board checks the zoning ordinance and tells them what they have to do. There are zoning ordinances for every district.

Mr. Dalessio said, “I think it’s very confusing, but you can shorten the process. The RSAs allow for a joint meeting between Planning and Zoning.” In fact, he said, it’s actually recommended in the handbook.

“We tried that before but it did not work,” Mr. Vose said. “Why?” Dalessio asked. “Because with double the people (from both Boards) it was totally unmanageable, Mr. Vose said. “We found it didn’t work.”

Mr. Dalessio said people complain about commercial development here because it is difficult to build to build in Walpole. Bensonwood went to Keene because of the process in Walpole.

Ms. Barnes said she thought that when a commercial project is proposed, it is of more interest to the citizens and they need a chance to voice their opinion. It’s not 5 or 6 months. It’s more like 3 or 4.

Ms. Mansouri asked if there was any other business before the Board. There being none, she asked for a motion to adjourn.

Mr. Murray made a motion to adjourn. The motion was seconded. The motion carried.

Respectfully submitted,
Marilou Blaine

cc: WPB, ZBA, Town Offices, North Walpole Commissioners, Walpolean, www.walpolenh.us
Posted: Inside Town Offices, on the bulletin board outside Walpole Grocery.