

Walpole Planning Board Minutes
September 11, 2018
Town Hall
7 pm

Present: Chair Jeff Miller, Co-chair Robert Miller, Secretary James Aldrich, Jason Perron, Peggy Pschirrer, Selectboard Representative. Alternates: Joanna Andros, Jeff Colley. Absent: Dennis Marcom, Jeff White.

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

Roll Call: Mr. J. Miller called the meeting to order at 7 pm. Since two Board members were absent, Mr. J. Miller asked Ms. Andros to fill in so the Board would have a five-person quorum.

Minutes: Mrs. Barbara Spivey, an abutter of Mrs. Mary McMahon, made these corrections via email: page 3, paragraph 3 change “developed” to “subdivided,” page 3, paragraph 12 add the word “one” before “using the land.” At the meeting, Mr. R. Miller made a motion to approve the minutes as written. Mr. Perron seconded the motion and the motion passed.

Old Business: Two-Lot Subdivision Mary McMahon – 58 Adams Lane of Whipple Hill Road. Ms. McMahon has withdrawn her application.

Public Hearing for Subdivision for Hooper Golf Course, Map 8, Lots 61 and 62A. Walpole D and D LLC is the owner of 140.22 acres of land known as Hooper Golf Course. Exclusion Area 1 and Exclusion Area 2 are to be subdivided. Lot 61 is 8.82 acres with 601.3 feet of road frontage on Prospect Hill Rd. Lot 62 A received a variance from the ZBA in August. It is .34 acres with 89.2 feet of road frontage.

Mr. Fred Dill, the owner, represented the Golf Course and talked about the subdivision. Mr. Dill proposed subdividing off the cottage and the eight acres that includes the tavern, the pro shop and the barn. That leaves the golf course and a restricted area around the golf course. The cottage property received a variance last month from the Zoning Board to be an approved lot even though it is non-conforming.

The cottage is on a small lot, said Mr. Dill. Nothing can be built on the lot and a restricted area surrounds it. The golf course is also restricted in that it may be used only for a golf course or for farming purposes. The restrictions are very strict, Ms. Dill said.

Mr. J. Miller reiterated that the Zoning Board granted a variance to the cottage property and the Monadnock Conservancy outlined all the property around the buildings as well at the golf course and restricted areas in perpetuity. This is a formal meeting for subdivision approval, he said.

Mr. J. Miller asked if the public had any questions. There being none, he closed the Public Hearing.

Public Hearing for a Recommendation to the Planning Board for a Special Exception in a rural/ag district for a commercial business, Map 4 Lot 3-6 on Route 12. This lot was previously a gravel pit but no gravel has been taken out of it for several years. The lot closer to the road, also

owned by Mr. Sawyer, was where a flea market was previously held several years ago. Mr. Sawyer would like to lease his land to Mr. Andrew MacIntyre of Westminster, VT to store three (3) tractor trailer trucks and a couple of pickup trucks for his trucking business.

Mr. MacIntyre introduced himself. He said he is the owner of a small trucking company and wants to store three trucks and a couple of pickups on Mr. Sawyer's property on the back lot where Mr. Sawyer's gravel pit is. Mr. MacIntyre has three 68-foot tractor trailers. He has stored his trucks in Westminster but that space will no longer be available.

He said the trucks on Mr. Sawyer's land would primarily be there on the weekends but could sometimes be there during the week. There would be no loads on the trucks when parked.

Mr. Sawyer owns two parcels of land off of Route 12 and the trucks would be stored on the land in the back, out of sight. There is a line of trees there.

Access to that lot is already an approved right-of-way. Trucks would turn in from Route 12, across from Benson Woodworking, and go across the lot where the flea market booths were. Mr. MacIntyre said it would be less impact on that back lot having trucks parked there than operating equipment digging holes and having multiple trucks going in and out hauling gravel. "We're looking at having trucks go in and out three or four times a week," he said.

The field that the trucks will cross will still be remain agricultural, Mr. MacIntyre said. The field is hayed once or twice a year. The back lot has all the proper setbacks and the parking area would be 120 feet by 120 feet.

Mr. MacIntyre said it would be double the amount of space of the room the hearing was being held. It's not a lot of space and won't be all the time. For example, he said, he has one truck in Pennsylvania now and the driver won't be back until early Saturday morning, when "you guys are sleeping" and when maybe three or four cars are on the road. There is a locked gate at the entrance to the front lot.

Mr. J. Miller asked if there were any questions.

Ms. Andros said she had walked the property and she noticed the gate. Mr. MacIntyre said, there's enough room there for the trucks to pull in and be off the road and then open the gate, drive the truck in, park it and leave in another vehicle and re-lock the gate.

Ms. Andros wanted to know exactly where on the map the trucks will be parked. Mr. MacIntyre said there's about a 15-foot wide access to the back lot and then there are some trees and the trucks will be behind the trees. It will be on the left side. Ms. Andros asked if she could come up and look at the map closer. Mr. MacIntyre said, "Absolutely."

Mr. J. Miller asked Mr. MacIntyre if he would object to coming back to the Zoning Board if he wanted to have 5 trucks. Mr. MacIntyre said every business wants to grows. If we grow to seven or eight or nine trucks - at which point Mr. J. Miller said you wouldn't want to be there anyway. Mr. MacIntyre agreed. Mr. Miller asked if a limit of five trucks was a good number. Mr. MacIntyre agreed.

Ms. Pschirrer asked if the trucks would be empty. Mr. MacIntyre said if they have a load on them I'm not going to put them in there. It's very rare that the trucks bring a load home, he said. If it isn't delivered, I don't get paid, so if a truck comes in on a Friday or Saturday I want it delivered. If it is loaded, it will go to the customer.

Mr. Eric Merklein asked if the lot would switch from agriculture to commercial. Mr. J. Miller interjected, "It's just a Special Exception." The land still stays in rural/ ag. Then Mr. Merklein asked that given the request that's coming from D& C Transportation, is that setting a precedent?

Mr. J. Miller said, "Not at all. Every situation is unique unto itself." There's no correlation to another project.

Mr. John Sise said he wouldn't put a truck there because it would be vandalized. Mr. MacIntyre said, "No one's going to vandalize a truck." Mr. Sawyer says there's video surveillance there. Mr. MacIntyre said there's also surveillance on the trucks – that's how sophisticated trucks are today.

Mr. Sise continued that he didn't know why Mr. MacIntyre would want to be in a rural area when across the street in the Industrial Park there would be room. Mr. MacIntyre said he didn't want to go there.

Then Mr. Sise said there isn't even room to turn around. Mr. MacIntyre said he could turn one of those trucks around from where he was standing to the middle of the street (Elm Street) and not have any trouble. Second, he said, he'd rather have his trucks on Mr. Sawyer's property because he feels it's safer than at the Industrial Park.

Mr. Sise said he still didn't understand because Mr. MacIntyre would have to plow the access area and pave it. Both Mr. Sawyer and Mr. MacIntyre said they were not going to pave it. Mr. MacIntyre said he didn't think Mr. Sise understood how much traffic going is in there. "There are a limited amount of trucks coming out of there once or maybe twice a week." It was previously an access that hauled gravel, loaders. The land is already compacted.

Mr. Jerod Walters, who lives on South Street, said he was concerned about where the trucks were going to be parked. Mr. MacIntyre said that they were going to be far enough back so the trucks wouldn't be seen from the road. Mr. Walters said that there are a lot of cars coming out of Blackjack Crossing and having 68-foot trucks coming out there – he thought it would be better if he would be in a commercial spot. There have been a lot of accidents right there, Mr. Walters said.

Mr. MacIntyre said you can't control where accidents are going to happen. They can happen anywhere. That truck is big enough that you should be able to see 300 feet away.

Mr. J. Miller asked if he was going to do maintenance of the trucks there. Mr. MacIntyre said he wasn't.

Mr. Sawyer said he had a driveway permit there for commercial vehicles for 33 years and it was just renewed.

Peter Palmiotto asked about the drivers. Mr. MacIntyre said the drivers would leave their personal vehicles there while they were out driving the trucks. So there will actually be more than 3 trucks there. Mr. Palmiotto said. Each truck will have a driver and each driver would leave their vehicle there while they were driving a truck somewhere, Mr. MacIntyre explained. Then Mr. Palmiotto asked if the trucks would be idling during the night. Mr. MacIntyre said "no" that when the drivers come back, they are not going to want to stay there overnight. They all live within a short distance. They're not going to want to stay overnight. They're going to go home.

Mr. Tom Goins asked what was the number one reason he wanted to move there. Mr. MacIntyre said

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he looked at multiple places in Walpole, there's no place in Westminster. He's looked at Bellows Falls and Rockingham and I feel it's going to be safer there, at Mr. Sawyer's place. Mr. Goins asked if the other places were more expensive. Mr. MacIntyre said the prices were all over the place. This place was safer for his "rigs." So it's not based on economics? Mr. Goins continued. Mr. MacIntyre said no.

Ms. Andros asked Mr. MacIntyre if he had looked at other places in the commercial zone. It's not a question of availability, Mr. MacIntyre said, it's a question of safety for his trucks. He continued that he had looked at RN Johnson's place and he would have had to build a fence around the trucks to keep them safe because it's very easy to have someone come up and steal something off the trucks.

Ms. Andros said then you're saying there are other lots available. Mr. MacIntyre said they are available but not acceptable for my needs.

Mr. J. Miller asked if there were any more questions. There being none he closed the hearing.

Two-lot subdivision: Neil P. and Judith A. Coughlin, Ramsay Hill Rd., Map 11, Lot 11 in the rural/ag district. The Coughlins want to take land from one lot and added it to another lot so that the second lot will have 200 feet of road frontage.

Surveyor Joe DiBernardo represented the Coughlins. His son Vaughn was there to help him. Mr. DiBernardo explained that the Coughlin lot was the last one on Ramsay Hill Road on a Class V road. Next to that is a lot they own that is mostly on a Class VI road. After the subdivision one lot will be 12.28 acres with 285 feet of road frontage and the other will be 5.1 acres with 200 feet of road frontage. Both lots will be on a Class V road.

To gain the footage, he took a sliver from the adjacent lot that is on a Class V road and added to the larger lot. So the lot angles and juts into the adjacent lot. The property is in the rural/ag zone so it must be 40,000 square feet minimum.

He had a note from the road agent that the property goes back to pole 45 and meets all the criteria. Also, he said if the subdivision is approved he would issue a driveway permit.

There are a couple of restrictions on the property. There is a scenic easement heading to the northwest and a no-build restriction. This is a relocation of the road in 1999.

Mrs. Mary Lou Montgomery, who owns an adjacent lot, asked about the status of that road that was changed in 1999. The deed restriction that was done in 1999 is Class VI road, Mr. DiBernardo said. Mrs. Montgomery was still unsure whether there was 200 feet frontage on a Class V.

Mr. DiBernardo showed where the corner of the lot was on the map and then went along the front of the lot saying it was all Class V. So that's 200 feet. Mrs. Montgomery was unclear where the land that was taken was. Mr. DiBernardo said it takes off at an angle and goes back to the stone wall.

Someone from the audience asked about the depth of the sliver.

Mr. DiBernardo said he's about 30 feet. Does 30 feet of frontage, the man started to ask when Mr. J. Miller clarified his question saying that it was not frontage, it's depth.

There being no further questions. Mr. J. Miller closed the Public Hearing,

Public Hearing for a Recommendation to the Planning Board for a Special Exception to allow a commercial business for an auto repair shop to move to another lot within the Industrial Park.

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Tax Map 1 Lot 3-7. Industrial District.

Peter Dexter, owner of DBA Dexpart, requested a Special Exception to move his auto repair business into another building in the Industrial Park. The building was previously used for production of modular home components by Bensonwood Homes and originally was where platform tennis courts were made.

Mr. Peter Dexter introduced himself. He owns Dexpart in the Industrial Park and he repair cars made by Audi and Volkswagen. He has been in his current shop for 10 years. He's hoping to purchase a building, 200 feet away from his current address. The building is at the end of the Industrial Park, which was originally a platform tennis business. Benson Woodworking now owns the building and we are working together to make sure that sale happens.

He explained that ten years ago he had to get a variance, which was what the rules were then. And that was approved by the Zoning Board. He will continue to do what he is doing now in that new building, which has much more space. It's more than double the size of his current building.

So he was at the Planning Board meeting to get approved to move forward to get approval from the Zoning Board. He said he meets parking and loading requirements. Parking is plentiful. It's at the end of a cul-de-sac. There's zero traffic unless you're lost or coming to do business with us.

The permit shows all the setbacks and the building and lot are all approved, Mr. Dexter said.

Mr. Eric Merklein said it's a great map. Others agreed.

There being no questions, Mr. J. Miller closed the Public Hearing.

Discussion of the Public Hearings.

Subdivision at Hooper Golf Course: Mr. Perron moved that the Board accept the subdivision as presented. Mr. Aldrich seconded the motion and the motion carried.

Recommendation for a Special Exception for Mr. Sawyer and the parking of trucks: Ms. Andros thought they should continue the hearing rather than making a decision.

Mr. Perron said he didn't have any questions but asked if the decision was not approving the project but purely a recommendation. We are making a decision on the request. Mr. J. Miller said the recommendation is non-binding.

Mr. Perron wanted to know if they could make requirements on the special exception.

Mr. J. Miller said his main concern was if the number of trucks increased.

Mr. R. Miller asked how much of agricultural land be used. Mr. Sawyers said only only 120 feet by 120 feet of the back four acres of the gravel pit will be used. Mr. Perron asked Mr. MacIntyre if the number of five trucks is acceptable. The answer was "five is reasonable."

Mr. Perron made a motion to recommend the Special Exception with the condition of a maximum number of five trucks and no storage buildings at the site. Ms. Pschirrer seconded the motion. And the motion carried 4 to 1, with Ms. Andros voting no.

**Recommendation for a Special Exception for Peter Dexter to move his auto repair business to
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another building in the Industrial Park:**

Mr. R. Miller made a motion to accept the request as presented. Mr. Perron seconded the motion and the motion unanimously carried.

Subdivision of two lots of the Coughlin property on Ramsay Hill Road:

Mr. R. Miller made a motion to accept the subdivision as presented. Mr. Aldrich seconded the motion and the motion unanimously passed.

New Business:

Voluntary Merger – Ray Aumand, Mountain View Road, North Walpole. Define the area that is the driveway and merge it to 028-143. Mr. DiBernardo has to come back with a notarized voluntary merger form from Mr. Aumand.

D&C Transportation – Special Exception in rural/ag for a gas station/convenience store on Route 12, next to the veterinary clinic. This is a refiling of the application. It was originally withdrawn at the May 2018 meeting.

Mr. Michael Bentley, a Keene lawyer, made the presentation for Mr. James Phippard who was on vacation. He requested a Public Hearing for D & C Transportation for a Recommendation from the Planning for a Special Exception to have a convenience store/gas station in a rural/ag zone in October.

He mentioned that the company had been before the Planning Board earlier this year. The application will be exactly the same as it was before. The only difference is that Mr. Paul Saba is not involved with the application. The application is from D&C Transportation.

Mr. Perron made a motion to hold a Public Hearing in October. Mr. Aldrich seconded the motion and the motion carried. Mr. Colley recused himself from voting on a decision as he spoke against the proposal in May.

Workshop: Tuesday, September 25, 7 pm. Mr. J. Miller said that some people from Rockingham, VT will be at the meeting to discuss mutual problems. The Board will also be a look at the beginning draft of the solar ordinance prepared by Mr. Colley and Ms. Andros.

Mr. Merklein said that the workshop meeting already had a lot to discuss, Ms. Carol Ogleby will be at the October workshop.

Mr. Aldrich made a motion to adjourn the meeting. The motion was seconded and the motion carried.

Respectfully submitted,
Marilou Blaine

cc: WPB, ZBA Town Offices, The Walpolean

Posted: Inside Town Offices, outside the Walpole Post Office, Town Website www.walpolenh.us