

Walpole Planning Board
Town Hall
Tuesday, October 9, 2018
7 pm

Presiding Members: Jeffrey Miller (Chair), Robert Miller (Vice-Chair), James Aldrich (Secretary), Dennis Marcom, Jason Perron, Jeff White, Steve Dalessio (Selectboard Representative). Alternates: Joanna Andros and Jeff Colley.

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

Roll Call: All board members were present so an alternate was not needed to fill in. Mr. Colley recused himself from the deliberations before the meeting began because he spoke publicly against the applicant at the May 8th, 2018 Public Hearing.

Minutes: Mr. R. Miller made a motion to accept the minutes of the regular September minutes and the September workshop minutes as presented. Mr. Aldrich seconded the motion and the motion passed.

Meeting Opened: Mr. J. Miller called the meeting to order at 7:05 pm. He thanked everyone for coming. There was a full house. Mr. Miller said he wanted a courteous meeting and a repeat performance of the May meeting. He asked the audience to keep their remarks to three minutes and try not to duplicate what someone has already said. He said he understood that this is an issue of concern to everyone here and he would try to give everyone a chance to talk.

The Board has received many letters and petitions asking the Board not to recommend the proposed gas station and convenience store project, Map 10 Lot 2, to the Zoning Board for a Special Exception. The letters and petitions do not have to be read at the meeting. All letters that have not been read at the meeting will be attached and filed with the minutes.

Public Hearing #2: D&C Transportation, Orleans, Vt. Map 10, Lot 2, Rural/ag district. Proposed use: Filling station and convenience store with a drive-thru off of Route 12. D&C is asking the Planning Board for a recommendation to the ZBA for a Special Exception for a commercial project in a rural/ag district.

There will another meeting next week on this matter before the Zoning Board, Mr. J. Miller said. The Planning Board is supposed to make a recommendation to the ZBA and is looking at two criteria for a Special Exception in a rural/agricultural district. The two criteria are:

property currently zoned for industrial, manufacturing and commercial operations is either unavailable or inadequate for the proposed use;
and the proposed use is appropriate and consistent with Walpole's Master Plan.

Mr. James Phippard introduced himself and explained the proposal. His business is Brickstone Land Use Consultants in Keene and he represented D&C Transportation, the owners of the property on Route 12. He filed an application for a Special Exception in a rural/agricultural district with the Zoning Board of Adjustment and the proposal needs a recommendation from the Planning Board.

Nothing has changed on the plan other than the operator of the convenience store since May, Mr. Phippard said. Paul Saba was the previous operator and at the last meeting he withdrew the application. He's no long a part of the application and there will be a different store operator if this gets approved.

Review the availability of land: Mr. Phippard said an appropriate site should have vacant developable land, good visibility, access to a state highway, high traffic count, adequate utilities especially water and not be located in a flood plain or near wetlands. He looked at three sites on Main Street and Route 12 and the most desirable site was next to Tractor Supply. The asking price was over \$705,000 and Mr. Phippard said it was not feasible for a small convenience store and operation for that price.

D&C settled on this site, across from South Street. The property is south of the veterinary hospital. It's 10.2 acres in the rural/ag zone that requires a commercial operation to get a special exception. The driveway would be a shared driveway. It would be widened to include circulation in and out of the driveway and it would serve large trailer trucks as well as cars.

The 6,000 square-foot building would be mostly a convenience store and a small space for a drive-thru, similar to a Dunkin' Donuts, although it would not be a Dunkin' Donuts. There will be four pumps for the filling station and two pumps that will provide diesel fuel. There will be 18 parking spaces for vehicles in front of the store and on the south side of the property as well as parking for three tractor trailers. Truck circulation is very important, Mr. Phippard said, because it will prevent tractor trailers from parking on the shoulder of Route 12 when stopping at the convenience store. A drive-thru lane runs across the back of the store.

An easement runs across the front of the property for the rail trail and other than crossing the property at the driveway, the trail will not be impacted, Mr. Phippard said. Walker Road is a dirt road and other than paving the portion that is the driveway, Walker Road will remain unchanged.

Across the street, South Street, there is already an existing left-turning lane as you come from the north. D&C will be adding a left-turning lane as you come from the south and a thru-right turn lane. NH Department of Transportation (DOT) will require a driveway permit for that and it will require a little bit of widening on the road at that location, Mr. Phippard said.

Town water is available. The line ends at South Street and North River Road so D&C will pay to have the line extended 900 feet underneath Route 12. That will provide fire protection as well as drinking water.

Regarding the Master Plan - some sections do not apply and some do, Mr. Phippard said. For example housing – D&C is not proposing housing. **Natural features.** Behind the store is a very steep area that drops down to the 100-year floodplain. The plan does not impact the 100-year floodplain. They will not be discharging stormwater onto the floodplain. There is a small stream to the south and wetlands that will not be impacted. Stormwater runoff will be collected on a site to the South and directed outside the Shoreland Protection area.

The Shoreland Protection area, which includes the land within 250 feet from the Connecticut River, is almost to the top of the bank so a small slice of the proposal is within the building area. A permit from the state would be required.

No large cutting of trees is proposed. The large field adjacent to the Connecticut River is maintained and available for continued agricultural use. All utilities will be underground. A hydrant will be added. They are proposing to the abutting landowner to disconnect his well. The reason is that fuel is not allowed to be stored within 500 feet of a community well. Although the well is not registered as a community well by the state, since it is next to a veterinary hospital it could probably be registered as one, Mr. Phippard said.

Aesthetics is a big part of the natural features of the Master Plan. Mr. Phippard said the architect has designed the store to look like a barn, which fits into the rural character of the town. It includes a steep-pitched roof, three cupolas and red cedar siding.

Transportation – D&C will be adding a left-turn and thru-right lane and widening the driveway to increase the circulation of vehicles. It is designed to safely accommodate cars and large WB-62 trucks and emergency vehicles and has adequate onsite parking plus parking spaces at the fuel dispensing pumps.

Hours of operation - 6 am to 11 pm and Sundays 6 am to 9 pm.

Land Use – The proposed design respects and preserves the natural environment. There will not be cutting of a lot of trees, no impact to the floodplain, the proposed development area is mostly outside the 250 foot Shoreland Protection area for the Connecticut River, the storm runoff from the developed area is collected and directed outside the Shoreland Protection area, the large field is maintained and available for continued agricultural use.

Sprawl – Look at the existing infrastructure, Mr. Phippard said, sprawl is minimized by using a site in a developed area with an existing driveway, an existing left-turn lane and with existing power and town water available to the site. This is the opposite of sprawl, Mr. Phippard said. This concluded Mr. Phippard's

presentation and he entertained any questions.

Ms. Joann Somers asked if the company looked at the land next to Tractor Supply. Mr. Phippard said, "yes." So, she continued, "you didn't want to spend the money so you went to look for cheaper property in a location that was not zoned properly." Mr. Phippard said although it's not zoned properly, the zoning ordinance says someone can apply for a Special Exception. Ms. Somers continued saying that Mr. Phippard talked about all the things you "share" - driveway, utilities etc with your abutter. She pointed out that the 6,000 square-foot convenience store will be next to a small veterinary hospital that's been there for years. "That's stretching things a bit," Ms. Somers said.

Mr. Ray Boas started by providing background for this evening's hearing. He said, "Immediately following the last Public Hearing in May, D&C Transportation agreed to a sales price so this property could ultimately be placed into conservation. However, a written agreement was not forthcoming. Thus, we could not in good faith continue fund-raising to complete the purchase. We reached out to D&C from June through early September to no avail. They then retained an attorney to represent their request.

"I, and many others, are here again to ensure Walpole's Planning Board exercises its custodianship and guidance oversight of Walpole's Master Plan. In accordance with established procedures, the Planning Board is to provide a recommendation to the Zoning Board of Adjustment as to whether a proposed project qualifies for a Special Exception or not in accordance with the Master Plan. As you will repeatedly hear this evening, D&C's "proposed use" for this parcel in Walpole's Rural/Agricultural District is inappropriate and inconsistent with the Town's Master Plan, and does not satisfy any criteria for receiving a Special Exception.

"Within its five sections, the Town's Master Plan emphasizes the rural setting of Walpole, and the desire to maintain that rural atmosphere for the common good. Within the Natural Features Analysis of the plan it is stated that outside the Village Center, Walpole is "still quite rural." Within the Goals and Objectives section, Goal 2, Objective 3 states the "Planning Board should be sensitive to commercial development along Route 12." The importance of this sensitivity to development along Route 12 is reiterated in the Traffic/Transportation portion of the Master Plan. (Specific Objectives: Item 6, page 23.)

"Great thought was given in developing the zoning districts within the boundaries of Walpole. Commercial development along Route 12 has been laid out and defined, and that is where development has taken place. It is clearly stated that "Walpole is not Walpole without farms and farmland" on page 11 (Item 5) of the Land Use Analysis in the Master Plan. Walpole is proud of its agricultural history. One has always entered Walpole Village from a rural setting from both the south and north, thus defining the character of Walpole that comforts natives, and attracts visitors and new residents alike.

"This evening's proposal is inconsistent with Walpole's Master Plan for the Rural/Agricultural District. Others will provide comment to support health, environmental and additional reasons for denial of a Special Exception to commercially develop this parcel of land in any way. The applicant wishes to "shoehorn" into 1.5 agricultural acres a commercial enterprise, that by their own admission in their application, is best suited for a 2- to 3-acre parcel.

"All aspects of the proposal are flawed. A group of dedicated people has worked hard on this evening's presentations. We are committed to an unemotional, factual, polite and civil discourse. We ask that others do the same. I request the Planning Board forward to the Zoning Board of Adjustment a recommendation to "Not Approve" D&C's request, and the ZBA follow that recommendation."

Sarah Lynch was next to speak. She lives at 58 South St. and has lived there for 21 years. She said, "I oppose this development project. I am a visual abutter with direct full view to the land that D&C has purchased and proposes to develop as a gas station and convenience store. It is absolutely irrefutable that the value of my property will go down if the Planning Board recommends this project and a special exception to our zoning ordinance is granted. In fact, I pay a view tax to the Town for the privilege of owning my home in this location because my property has an extraordinary view across D&C property to the mountains beyond. Attached please find a copy of my land tax card with my view tax allocation, which equates to 28 percent of my land use tax.

"There can be no real dispute that the visual aesthetic will be permanently ruined if the applicant is allowed to proceed with the construction of its proposed mini-mart gas station. Given that the town itself has assessed

(through its tax assessment) that my view has a distinct and stand-alone value separate and apart from other qualities of my property, there is no escaping the fact that my property value will be severely and detrimentally impacted. I invite you and the Planning Board and the applicant to schedule a visit to walk my property and experience the view.

“Concurrently, I am deeply concerned about the increased lights, noise, harm to the environment, traffic, and safety problems that would ensue if a mini-mart/gas station were to operate in this location when there is already suitable commercial land readily available up the road for a project of this scope. If the Planning Board were to investigate, I am confident that they would find that there are alternative commercial sites available to D&C, including parcels in Walpole’s commercial district located on Route 12.

“Finally, I would note that the proposed project is NOT appropriate or consistent with Walpole’s Master Plan for developing in this location. Thank you for letting me express my views to you, and I hope you will take them into account as you consider this proposed commercial development.”

A gentleman from the audience asked, Did you do a traffic study? Mr. J. Miller said that at this point a traffic study is not appropriate. If we get to the point that there is a site plan review, the Board will consider traffic.

That gentleman in the audience said he did his own traffic study. He spent four times in one day observing cars going up and down Route 12. He concluded that more important than how many cars there are is how hard it is to cross from Dr. Shaw’s driveway to go to South Street or north on Route 12. In the time from 4:54 pm to 5:04 pm, it took 1 minute and 29 seconds and possibly nine opportunities. But there were only two people that took an opportunity to cross in that time. He sat there and watched for 15 minutes and there were only five opportunities to cross the road at that point. “I’m sure if people were more aggressive, they could maybe squeeze in between two oncoming cars,” he said.

He pointed out that the Plaza in the commercial district has five lanes between the east and west sides. He said he couldn’t believe that simply adding a left-lane turn would solve the problem. There will be delays, people waiting in the left-turn lanes and lots of problems.

Dr. Peter Palmiotto was next to speak. Dr. Palmiotto is a professor at Antioch University, has served on the Walpole Conservation Commission and was part of the committee that developed Walpole’s 2006 Conservation Plan. He and his family live at 66 Elm Street and they are visual abutters. He is opposed to the project. He focused on the importance of agriculture in Walpole.

“The character and history of Walpole is in its agrarian base. Our town forebears whose insight into the town character and vitality of our community recognized the importance of agriculture in terms of producing food and fodder locally. Farming is an important aspect of the town’s economy, way of life, and appreciation for the scenic beauty of Walpole’s landscape. This vision was formally codified in both our Town’s Master Plan, Zoning Ordinance and 2006 Conservation Plan. Throughout the Town’s Master Plan the importance of supporting and preserving farmlands is referenced. For example: “Natural Features Goal 1: To protect and preserve the Town’s critical resource area in an effort to maintain a balance between the Town’s existing and future development needs and its natural environment.

“Objective 8: The Planning Board will seek ways to preserve open agricultural land.

“Until recently, the Walker property has produced hay for an organic dairy farm. The State of NH has classified 2.5 acres of the property as “prime farmland” and 9.6 acres as “farmland of statewide importance”. According to the State Of NH, “prime agriculture land” is held at a higher value due to its natural fertility and arability compared to upland soils. In fact, this parcel is ranked as a med-high resource value based on key indicator, one of which is prime soils.

“Land Use Goal 1: To preserve the scenic elements of the natural environment and protect Walpole’s land.

“Objective 8: Support Walpole’s agricultural activity.

“Land Use Goal 4: Preserve agricultural land and support farming activities.

“Objective 2: Support local efforts to preserve important farmlands.

“Organic Farming is an important and not very common practice.

“Furthermore, one of the primary objectives of the 2006 Walpole conservation plan is “Conserve areas categorized as having prime agricultural soils and active farms.” Farmland was identified as “very important to conserve” by 85 % of town residents who responded to a survey.

“The incremental loss of farmland puts the town’s farms in jeopardy. Once this valuable resource is developed, it will be lost forever. If farms go, so does the character of Walpole. The town’s character since its founding in 1762, has been why people come to live in and raise families in Walpole. The loss of even 1 acre will continue the erosion of the rural agriculture character of our town. This proposal is not appropriate and not consistent with the town’s Master plan.”

Sheila Lennon introduced herself. She has been a resident of Walpole since 2009. She is a NH licensed realtor since 2010 and a licensed registered nurse since 1979. So health, safety and well-being are very important to her personally and professionally, she said.

Ms. Lennon spoke about the town’s Master Plan pertains to housing, which reads “to assure that adequate, safe and sanitary housing for all future and current residents is achievable in Walpole.” She highlighted the residents of South Street, North River Road and the lower end of Elm Street who, she said, would have their safety and well-being compromised by having a filling station and a convenience store so close to their homes. The noise, light and air pollution caused by increased traffic and the proposed 24-7 operation of the filling station will negatively affect the quality of life of these residents, especially since respiratory complications may occur after long-term exposure.

No one would choose to live in such close proximity to a filling station. These residents chose their home location, knowing they were near agricultural land.

In their application, D&C says that their proposal does not affect housing – no housing on the property and no housing is proposed. But they seem to have forgotten about the residents already living there and who are in close proximity to their proposed development. Ms. Lennon then asked the Planning Board not to forget about these residents. Do not forget about these existing Walpole residents and their quality of life.

In the Master Plan under objectives the No. 4 goal is to “preserve the character and quality of residential and rural areas.”

From a real estate perspective, potential buyers visiting Walpole always comment on how charming Walpole is, how much they enjoy the drive into and out of the village. But they also ask me, “Where’s your grocery store? Where’s your drug store? Where’s your hardware store?” Ms. Lennon explains we have commercially zoned area on Route 12 where these businesses are situated and that preserving our open space and farmland are all part of our Master Plan. “So it’s working.”

The proposed development In the rural/agricultural zone is not consistent with our Master Plan and such a development really belongs in the commercial zone. She asked again for the Planning Board not to grant the Special Exception.

She offered some real estate advice saying that a very compatible piece of land is available in the commercial zone that they did not look at. It on the corner of Route 12 and Upper Walpole Road. US Realty has it for sale, and it’s right next Shaw’s market. She talked to the listing agent and she said he would be glad to talk to Mr. Phippard. It is 9.2 acres. It has a right-of-way into Shaw’s. She offered to give Mr. Phippard the telephone number of the agent who is handling the property. She said tonight she was acting not as a Realtor but as a resident.

She also submitted a petition of resident signatures who opposed the D&C proposal. The petition was signed at Jake’s store in the village. There were 303 signatures and 86 online signatures. Residents who signed the petition included middle school students, high school students and even her 95-year-old mother-in-law signed the petition.

Jerod Walker lives at 69 South St. with his wife Brittany and 2-year-old daughter. They have lived there for 10

years after renting in town for several years. This project will decrease the value of their property. They also pay a view tax, which makes up to 15.5% of his land tax.

He said, "They say we will be looking at a barn but it is really a gas station." When you are on the property, looking toward Vermont the only way you would not see this project would be to turn around. And practically every room in his house is facing the gas station. Overall, property values for Mr. Walters and his family would be impacted.

Noise pollution. This business would be open to the public 24/7. D&C is designating 3 parking spaces for tractor trailer trucks that could be parked and idling there all night. This, along with all of the in and out traffic, braking and accelerating, his family would easily be able to hear throughout the day and night. Any type of bad behavior would be a safety risk for them personally.

Light pollution. D&C has stated that they will be using LED lighting, which is some of the brightest lighting available. It will dim down at night and look like a UFO. His bedrooms will overlook the filling station.

Mr. Walters said he had talked to the owner of the land next to Tractor Supply and he is willing to sell part of his land and you can build your gas station there. It already has water and sewer. He said D&C was buying cheap ag land and trying to get a commercial project in the town for something the town does not need.

The speed limit at the location is 55. That's a safety problem and the state of New Hampshire is not going to change the speed limit. They're not going to put in traffic light. The commercial property, down by the Plaza, has a speed limit of 35 mph. It's much safer.

It's going against the Master Plan and the ordinance that says no Special Exception that would cause health or safety issues and decrease property values should be approved. Even vibration – car doors – and poisonous odors are associated with the proposal. Mr. Walters didn't remember the exact number but he thought abutter Chuck Shaw said that traffic would increase 1,000 percent in his driveway each day. Think about the CO2 emission. "Just the problems of my house alone is enough to turn down this proposal," he concluded.

Mr. Jack Franks clarified Mr. Walters' remarks about the sale of his property. He said that the applicant looked at the property and Mr. Franks was willing to lease it, not sell it. The applicant wanted to own it. He also couldn't sell him a portion of the land because it cannot be subdivided. However, there is property there and he's willing to negotiate.

Sydney Palmiotto is the daughter of Peter and Jennifer Palmitto She said the proposal says it does not impact housing. However, on South Street, North River Road and portions of Elm Street will be negatively impacted by the development of a convenience store and gas station. The negative impact would include increased noise from traffic, light pollution and air born pollution. This especially affects the younger generation of Walpole.

Rich Francis said that Mr. Phippard said the \$700,000 cost would make it prohibitive for a development of this sort. It is a very large facility and witht the amount of traffic on Route 12 other facilities of this size have sold for between four and six million dollars. This can be easily proved. So to say an extra \$200,000 or \$300,000 for a property makes in not feasible, Mr. Francis doubted if that were true.

Sue Domanico, 64 Bookseller Road, is a land-use planner. She asked the Board to make an unfavorable decision on this project. She said it's a wide-scale development and is not consistent with the Master Plan. The Land-use objective is to not allow development along Route 12 and create sprawl. And the Transportation objective is to encourage a scenic byway on Route 12.

So what is sprawl? There's no precise definition but literature points to several shared definitions. There is agreement that it's low density development along the highway, automobile dominated with large expanses of parking. A Vermont study found that sprawl occurred just outside a village. The study found commercial operations were mainly single story buildings, near the highway so they can take advantage of the highway traffic, good visibility and they rarely includes neighborhoods or accommodations for pedestrians. That's sounds exactly like what's being proposed here, by D&C.

In a rural town like Walpole, sprawl is not really noticed because it happens incrementally. But it spreads. Without even noticing it you may find yourself with a commercial strip along the portion of Route 12 that the proposal is discussing, Ms. Domanico said.

Mr. Phippard also mentioned adding a water line. Ms. Domanico said she works in Brattleboro and they found that the most growth occurred near land where there was a water line. So this extension could cause more development.

The Master Plan includes the results of a 2006 survey and Walpole residents ranked as most important - the rural/agricultural setting, the village center, lack of congestion and sprawl and small-town atmosphere. A gas station/convenience does nothing to enhance these things.

A resident from Lower Main Street said that Mr. Phippard indicated that because the veterinary hospital was already there it was alright for the gas station/convenience store to be there. Not so, she said. Under the permitted uses in the rural/ag zone, veterinary hospitals are allowed. They are also closely tied to the farming community because of the nature of the business.

Diane Nichols read a letter signed by several people. It said, "We are writing to detail the reasons why we are opposed to the proposed gas station/mini-mart on Route 12. We oppose the gas station for environmental reasons. The proposed gas station would increase the risk of gasoline spills into the Connecticut River and the aquifer there. There would be a negative impact on air quality. Additionally, the pavement is permeable. Gasoline can sink through it, potentially contaminating the surrounding and water.

"We oppose the gas station for reasons of safety. This proposed business would increase turning traffic at a critical intersection. This would increase the risk of accidents for all vehicles. Runners and bikers would also be more at risk due to increased traffic. We oppose the gas station because it would increase demands on Walpole's police, fire and emergency services.

"We oppose the gas station because it unnecessary. It would be a duplication of a gas station less than a mile away. One of the currently existing gas station/min-marts could close due to inadequate sales, leaving an abandoned site in our town. We oppose the gas station because it would offer an unappealing first impression to all who come our beautiful town. Please reject the proposal to build this gas station/mini-mart.'

Megan Hughes, who lives on Watkins Hill Road, asked why ruin an agricultural resource and jeopardize the Connecticut River to make way for an unnecessary service? Why build a station that could put other nearby gas stations out of business? Why trade the doorway to our town with a petrol pump and a bag of chips?

Jeff Gehrung and his wife, Dawn-Marie, live at 53 South Street – a few hundred yards above the Route 12 and South Street intersections. He said, "I find myself, once again, standing before the Planning Board making my plea, a plea that addresses a request for a Special Exception to use land just a few hundred yards from my house for the purpose contrary to its designated intent as stated in the town's declared Master Plan. Once again, I find myself standing before this gathering asking the questions Why? Why would an exception be granted to D&C Transportation, or to any such company that would alter, forever, the character and beauty of a parcel of land that the founders of our town had the desire and foresight to preserve.

"This exception is a request to use this land for an alternative purpose, a commercial purpose. Recalling a previous party's interest to use this property for commercial purposes and ultimately the defeat of that effort, it makes me wonder. What impression must D&C Transportation have of each of us that have stood here this evening and at recent meetings, as we have expressed what we believe is best for the future of our scenic little community?

"What are they thinking now and what was D&C Transportation thinking then, when they opted to purchase this land – that they believed they should take the risk and expect to succeed in altering our perception of and diminishing our animosity toward their project? Why are they relegating the concerns of this community, now, when just a few month ago they stated it was in their best interest to defer to community sentiment and retract the same request?

"I'm also wondering what does yes mean to this request? Yes means farewell to the sound of geese at daybreak - a sound replaced by downshifting of 18-wheelers and idling diesel engines. Yes means farewell to the sight of the white morning fog in the valley – replaced by the purple hue of diesel smoke and early morning engine rumble. Yes means that the natural setting of a pasture with its adjacent woods will be a memory for those of us lucky enough to have experienced it, replaced by harsh halogen lights and sandwich boards and street signs, all part of the urban progression we are desperately trying to fend off. Yes means excavators will arrive to dig the holes for fuel tanks, that concrete will be poured for the station's fueling pad, a storefront will be raised – all an affront to the beauty of this stretch of land that is part of our heritage and is designated to be preserved that way.

"So, back to my original question, Why? What is the single driving force behind a company making the purchase of land that is currently protected from commercial activity? Categorically, Profit. D&C Transportation is asking you (and ultimately each of us) to allow it to fill its corporate coffers from a profit it derives at our own expense. My question again, Why? This is a company that demonstrates, by its presence here this evening that it has no interest or sincere appreciation of the core elements that are the source of the pride each of us has in this town. The undeniable reality is that with each exception granted to a company like this, for purposes such as this, we chip away at the limited remaining elements that define the character of our town. How does a project such as this benefit our town? How does it extend its character? It seems to me just the opposite. Projects such as this threaten our ability to prolong what is so special to each of us. How can we argue against the next encroachment (perhaps the request of a competitor wishing to build close by) when there is literally no ground for us to stand upon?

"When we moved to Walpole 20 years ago, my wife and I lived in a rental property for the first year. It was just up the road from where we live now. We were looking for property with a view to the west to build a home. To our surprise, the home we live in now, with a western view of the river valley below, became available. We've raised our children there and instilled in them the same appreciation for the natural beauty of our area as when we discovered it so many years ago. And once upon a time, the pristine beauty of this stretch of land welcomed us to this area. I'm appealing to you, the members of this Board, as stewards of this wonderful and finite resource, to keep it that way, for those of us that appreciate it now and for those about to discover it."

Alicia Flammina, chair of the Walpole Conservation Commission, said the Commission is an advisory board established by local ordinance to preserve the Town's natural resources for the benefit of its citizens and wildlife.

"Protection of these resources improves water and air quality, preserves rare species of plants and animals, provides agricultural, recreational and educational opportunities, and helps mitigate the impacts of storms and flooding. Scenic and agricultural lands are vital to the character of the Town and have been identified by the Master Plan as the important features to protect and preserve. Agricultural lands have experienced the greatest loss of acreage in Town, most recently in the commercial district along Route 12 where a full-service gas station, Dollar Store, Tractor Supply and housing development were recently (within the last 5 years) developed.

"The land in question for the proposed development is designated as agriculturally zoned land and by the State of NH as "prime agriculture land," which is held at a higher value than other land due to its natural fertility and arability compared to upland soils. The Walpole Conservation Commission supports any effort to preserve important farmlands such as this parcel. This parcel is directly adjacent to the bank of the Connecticut River at the scenic gateway to town from Route 12. The slope to the river at this parcel from the edge of level land is dramatic at an average 16% slope, with areas far steeper approaching 40% slopes, and the soil type has high transmissivity, meaning any small drips, spills or normal runoff from commercial traffic will ultimately wind up in the Connecticut River.

"Furthermore, as currently proposed, the petroleum storage tanks and septic leach field would be located directly adjacent to the steep slope, approximately 250 feet from the river bank. Development of this nature so close to the 250-foot shoreland protection area should be considered with extreme caution. The proximity of D&C's proposed gas station and convenience store to the Connecticut River, the classification of this property's soils as prime agricultural land, the location of adjacent working farmlands to this proposed development and the availability of existing commercially zoned lands in Walpole are causes for concern. The property proposed for development would require that current zoning policy for agricultural land be overturned. The Conservation Commission recommends to the Town Planning and Zoning Boards that the current zoning requirements be

enforced without exception. Prior conservation efforts along the Connecticut River and Cold River corridors have been effective at protecting natural resources including agricultural lands, riparian habitat and water quality. If farmland within the existing agriculturally zoned areas is allowed a special exception to be developed as commercial, then the agricultural character of the town will surely be diminished. “

Veterinarian Chuck Shaw and his wife Ellie own the adjacent veterinary hospital. They have lived in Walpole for 39 years. He remembered that many years ago when there was a traffic accident near the rest area and traffic was detoured to Old Keene Road on which he lived, he thought “there’s is a lot of traffic on Route 12.” This incident got him to thinking about moving his veterinary business from Old Drewsville Road, where Tucker Burr had previously worked, to a place where there is more traffic. Low and behold, he said, uses on rural/agricultural land now allowed veterinary businesses because they were farm-related. He purchased the land from George O’Brien and his only regret was that he didn’t purchase the adjacent piece of land where D&C was proposing a filling station and convenience store.

The D&C Transportation application is the second project that has come to a hearing stage, he said. The first buyer of the land was Jerry Galloway, who thought his son might want the land for his business – which is Steve’s Equipment Repair, serving car, truck, agricultural and industrial equipment, further south on Route 12, and just over the line in Westmoreland. About 20 years later another commercial business called Lift All applied to have its business there. That too is now in Westmoreland, on the left side of the road after you descend Summit Hill and pass the Industrial Park. Fortunately for the town, that business withdrew its application. At that hearing he remembers David Howard saying, “This is the gateway to Walpole.” So that’s where that expression comes from.

Dr. Shaw said he had one business course in veterinary school and the one thing he got out of it was you have to consider putting a business in a good location. It’s location, location, location. That, meaning the area D&C is considering, is the best location for a business or any commercial enterprise in my opinion because half the traffic that goes by turns to go over the river to Westminster. But the fact that it’s a good location doesn’t mean it doesn’t have problems.

First, the proposal for the building and pumps is only an acre and a half and yet on the D&C application it says the preference would be two to three acres. So that means it’s going to be compressed. When a group of us talked to them on June 11 on how to make a deal with them to purchase the land, the first thing asked was “Do you think we could carve out a 1½ acre piece of the land for the filling station?” We weren’t even close to the same kind of thinking about the property.

Mr. Walters mentioned the traffic increase 1140 percent in the morning and more in the afternoon. That’s a safety concern.

Agriculture is important to Walpole and we sacrificed a huge area of agricultural area of land to create the commercial district. That area has some of the best agricultural soils in the United States. There’s also an aquifer that starts down by the Cold River, goes through the Malnati Farm and Boggy Meadows and travels all the way to Westmoreland. It pained him to see non agricultural businesses go in there but I accepted the commitment when the Town voted to use rural/ag land north of Walpole village to be commercial. “That’s what we decided and that’s what we’re going to live with.”

The Connecticut River is designated a rural/ag river and from the Westminster Bridge all the way to Brattleboro there is not one gas station any where near that river.

“We’ve tried to avoid this night,” he said. It would nice if the town could get beyond this and think about our vision for the community to maintain that gateway and look to the future. Dr. Shaw said he envisions an area south of the Westminster Bridge and one long stretch of greenway.

Eric Merklein reminded the audience that on Wednesday, October 17 at 7 pm there will be another meeting to discuss this topic and he hoped everyone at the meeting would come back for that meeting.

Andrew Dey, 69 Elm Street, looked at the proposal from a recreational perspective. For those people in town who enjoy walking, running, biking, skiing on rural land in town, he pointed out several places where residents could connect with nature.

Residents can have the advantage of living in a rural community and a picture-postcard village but also have ready access to the surrounding beauty of the town. There are different gateways to nature. Three ways to find nature close to the village are the Mill Pond Trail, the Academy Ravine Trail and the Rail Trail, where you can go either way for miles. Then there are the trails near Hooper.

The Rail Trail is an integral part of the transportation of the region, whether you walk it, bike it, use a snowmobile. You can get on that trail and go to Keene. You can get on that trail and go to Charlestown. You can get on that trail and go to Alstead.

Think about the safety concerns of crossing that trail with cars and trucks going in and out. It's a damage safety wise, it's a damage aesthetically. It's a gateway to town but it's also a gateway to the natural areas in town that shouldn't be comprised.

Dr. Jennifer Palmiotto, a resident since 2001, worked as a Source Water Specialist protecting drinking water in New England from 2002-2007 and currently serves as Executive Director of a trade association for drinking water and wastewater systems. Together with Walpole's Drinking Water Protection Committee, she facilitated the creation of the Walpole Drinking Water Source Protection Plan and the adoption of the Wellhead Protection Overlay District.

She talked about the protection of water resources. "The D&C application does not address the potential impact to the aquifer that underlies the property nor the potential impact to public water supplies in the neighboring community in Westmoreland. The property is underlain by an extensive, high-yielding stratified drift aquifer that is notable for its transmissivity (U.S. Geological Survey Report 90-4013). NH Department of Environmental Services classifies this property as "High Priority Water Supply Land," which is undeveloped and unprotected (NH GRANITS). The siting of a gas station to this area is contrary to protection of water resources and land that could be used as a future drinking water supply.

"Although as the D&C application states, this parcel is not located in the wellhead protection area for the River Well, one of the Town's primary sources of drinking water, and it is not located in the wellhead protection overlay district, it is located within the Hydrological Area of Concern for the Cheshire County Complex, a community water supply with a surface water source that pulls its water directly from the Connecticut River and serves a population of 380 people, including an at-risk population at the Maplewood Nursing Home.

"As stated in the 2006 Walpole Conservation Plan, "The quality and abundance of the drinking water resource in any town should be the most important natural resource that the town protects.

"In addressing the Land Use goals of the Master Plan, the D&C application states that "Stormwater runoff from the developed area is collected treated and directed outside the Shoreland Protection Area." Regardless of these efforts, it is still highly likely that both surface water and ground water will have a high probability of becoming contaminated on the site. A study by researchers from John Hopkins published in 2014, found evidence that suggest that over the lifespan of a gas station, concrete pads underneath gas dispensing stations accumulate significant amounts of gasoline, which could eventually break through into underlying soil and groundwater. Their model shows that a lifetime of spilled gasoline droplets on concrete surfaces are on the order of minutes or longer. Therefore contamination can be carried away by foot traffic or precipitation runoff. According to the study "Regulations and Guidelines typically do not address subsurface and surface contamination due to chronic small gasoline spills, even though these spills could result in non-negligible human exposure to toxic and carcinogenic gasoline compounds." According to the principle investigator "people should be worried about the cumulative volume of gasoline that might infiltrate into the subsurface over the life of the gas station".

"This study suggests that we should be concerned about the potential for contamination for both surface water and the groundwater aquifer.

Kara Dexter was the last speaker of the night. She asked Mr. Phippard if he lived in Walpole. Mr. Phippard said he lived in Keene. Does anyone associated with D&C Transportation live in Walpole? She asked. Mr. Phippard said he didn't know. She asked about Orleans, Vt. Mr. Phippard said D&C's main office is located there. Ms.

Dexter asked how many gas stations does D&C have? Mr. Phippard said he didn't know. She looked at the Web site and the D&C gas station in Orleans is for sale, she said. Mr. Phippard said he was told they own several gas stations.

Ms. Dexter said she and her husband, Peter, go skiing every weekend at Jay Peak so they pass by that filling station twice each weekend – once going to ski and once returning home. In the eight years they have been going there they have seen very few cars at the gas station while at other stations there are lines of cars waiting to fill up. She's concerned that the project will fail after it is built and that land will be empty.

With no other speakers coming forward, Mr. J. Miller closed the Public Hearing. He continued that he lived in Walpole his whole life and has been on the Planning Board for several years. In the late 1960s townspeople voted in our Zoning Ordinance and over the years of dealing with this Zoning Ordinance the people who wrote this came up a tremendous document. It's stood a lot of challenges over time. He feels fortunate that when the townspeople zoned the land, they determined that a commercial development would be at the north end of Walpole Village and even though they gave up a lot of good farmland, that was where it was going to be. The rest is residential and rural and he thought they came up with a very good plan. Over the years it's been the same with the Master Plan.

People who live here love the rural agricultural nature of the town and everybody had special spots and views. One of the most visual is where D&C is going to build. Every day people drive by that piece of land. There have been two times when people wanted to develop it and the town has stood up and voiced their opinion that this is not what the character of Walpole is about.

Interest in this property reminds me of the '70s when a pulp mill was proposed on River Road and there was tremendous debate about it. People for it wanted the jobs it would bring locally. And there were those against for all the reasons that were expressed tonight. When looking back on it, after it was voted down, it was the right decision. It would have changed the character of this town. It wouldn't be the same. There's other commercial land available.

Why do we have zoning? This is a good reason why we have zoning.

Jason Perron said there were two things the Board had to look at – if there were property available and the how it agrees with the Master Plan. If you read the preamble to the zoning ordinance, it's summarizes the goals of the Master Plan, he said.

Does it preserve the scenic elements of the natural environment and protect Walpole's land?

Does it promote a balanced growth?

Does it guide the character of development?

Does it protect the historic nature, the economic and aesthetic interests of the entire Town?.

Does it provide aesthetically pleasing and compatible design of building and facilities with as much open natural or landscaped areas as possible?

It certainly doesn't balance growth. There are seven filling stations in the immediate area, three very close to the village, Mr. Perron.

He didn't see how you can say the character of development would be improved by another gas station and it certainly doesn't protect the historic nature of the town. The only positive thing is that the design of the building may be a compatible design. But that doesn't outweigh the other four points, which are main features of the Master Plan.

Steve Dalessio said he and others worked on the land use section of the Master Plan and there is clearly still available in the commercial district for this project. "Townspeople have carved out a commercial district and I can't decide in favor of this project."

Dennis Marcom said on the two points: land is available and the fact that it may be too expensive is not part of our criteria. Secondly, the audience eloquently addressed the issue that it does not fit into the Master Plan.

Joanna Andros reiterated that regarding one of criteria, there is land available. She also said that the project will have an impact and people have spoken to that. It will have an impact on their property. The part in the Master Plan that is extremely important is that the people get to enjoy the rural atmosphere in the town. So although the amount of people who filled out a survey was small, look at the people here tonight. This is like a survey. All these people are weighing in and reaffirming what the Master Plan is about. Thank you all for coming.

Mr. R. Miller made a motion to not approve a non-binding recommendation to the Zoning Board. Mr. Aldrich seconded the motion. Mr. Dalessio amended the motion that the Planning Board not make a recommendation for a Special Exception for this proposal. Mr. Aldrich made a motion to approve the amended motion. Mr. R. Miller seconded the amended motion and it carried unanimously.

Now it goes to the Zoning Board of Adjustment.

At 8:55 pm Mr. Aldrich made a motion to adjourn. The motion was seconded by Mr. R. Miller and the motion carried.

Respectfully submitted,
Marilou Blaine

cc: WPB, ZBA, Town Offices, The Walpolean, www.walpolenh.us
Posted inside Town Offices, bulletin board outside Post Office.

People who wrote letters that were not read at this meeting will be filed with these minutes. They include letters from:

Beth and Jeff Colley
Dr. Chuck Shaw
Drs. Jennifer and Peter Palmiotto
Wantastiquet Local River Subcommittee – of the Connecticut River Joint Commissions
Sarah Lynch's tax cards
Ray Boas