

**Zoning Board of Adjustment
Town of Walpole
October 17, 2018
7 pm**

Present: Board Members: Chair Myra Mansouri, Jan Galloway Leclerc, Judy Trow, Tom Murray, Pauline Barnes. Alternates: Don Sellarole, Bob Anderson.

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

Roll Call: Ms. Mansouri called the meeting to order at 7:05 pm. All Board members were present so an alternate was not needed to fill in.

Minutes: On page 3 Mr. Anderson said it was Mr. Joe Sawyer who measured the distance from the gate to the road with Ms. Mansouri, not he. On the same page, Ms. Barnes corrected passed to past in paragraph 8, added you before concerned in paragraph 11. Ms. Trow made a motion to accept the minutes as amended. Ms. Leclerc seconded the motion and the motion carried.

Old Business:

Public Hearing for a Variance for a shed at 25 School St., Ted Johnson and Colleen Canedy. Map 19, Lot 59. The 20-foot side and back setbacks are not possible because of the size of the lot.

Ms. Canedy said she and her husband Ted Johnson came to the Board in the spring and she wanted to build a small potting shed on their property. She got a notice she needed a permit. Then she came to the ZBA and it was determined she needed a variance and had to request a Public Hearing because the lot didn't conform to the ordinances.

Ms. Mansouri explained that most of the houses within the village were built before there were zoning ordinances. Practically all of these houses are non-conforming. The ordinance states that buildings such as sheds need to be 20 feet from your neighbor on each side and rear boundary and 65 feet from the center line of the road. It is clear the lot is too small to do this. So to make sure things are done correctly and on the up and up and that your neighbors now and your possible future neighbors know it was done correctly, the property owner must get a variance to the ordinance.

Ms. Canedy had submitted a photograph of the shed partially built, a Goggle Earth picture of the property and a map showing where the shed would be located.

Mr. Anderson asked if this was a non-conforming lot. Ms. Canedy said her property is 56 wide, 333 feet deep and the front porch is 27 feet to the center of the road. Is the potting shed any closer to the line than the barn? asked Ms. Trow. Ms. Canedy said no.

Ms. Leclerc asked about the property in the back. Ms. Canedy said there was first lawn and garden, then there was a pond and the land went up a steep wooded hill. Ms. Leclerc said so we do need a variance.

Ms. Canedy read her answers to the questions about criteria for a variance.

1. The proposed use would not diminish surrounding property values because:

“It's aesthetically very appealing, it's not obtrusive and property neighbors already love it! All of properties

blend together with a garden theme. This adds to the appeal of our yards.”

2. Denial of the variance would result in unnecessary hardship to the owner because of the following special circumstances of the property that distinguish it from other properties similarly zoned because:

“It has been started in May and halted due to permits, meetings and etc. Can we please just build a nice little shed in our backyard?”

3. Granting the variance would do substantial justice:

“It make my wife happy! Happy wife, Happy life.”

4. The proposed use would not be contrary to the spirit of the ordinance because:

“All abutting property owners already agree with construction.”

Ms. Doris Barrett, an abutter, had a comment. She described her property and said this will add so much to the area around it. Everything she does, she does well and it is aesthetically pleasing. This will add to the value of our property, she said.

There being no more questions or comments from the Public, Ms. Mansouri closed the Public Hearing to the Public.

What is the exact difference between the shed and the property line? Mr. Murray asked. Ms. Canedy said it is right where the barn is, which is right on the property line. Ms. Barnes asked her to point it out on the Goggle Earth photo. She pointed out where the gardens, shed and driveway are. Ms. Trow said the Goggle Earth shows the scale whereas the drawing shows a much wider lot.

There being no more questions from the Board, Ms. Mansouri closed the Public Hearing. The Board went through all the criteria, one by one.

1. I think that’s true, Ms. Leclerc said.

2. The special circumstances are the narrowness of the lot and she didn’t see another place for the shed, Ms. Barnes said. Also the circumstances of the upper lot make it clear that space cannot be used for the shed.

3. Everyone is entitled to have a shed, Ms. Leclerc said. Ms. Barnes says it’s actually in the ordinance under accessory buildings,

4. The spirit of the ordinance is not to deny use of ones’ property in any reasonable manner, Ms. Trow said.

Ms. Trow made a motion to approve a variance Article V, Section B, 2 that refers to side and setbacks and distance from the center line for a garden shed. Mr. Murray seconded the motion. The motion carried unanimously.

Signage on Prospect Hill: Mr. George Cheney, 32 School St., questioned the Board about a sign on the first house going up Prospect Hill. How long does it say up? he asked. Mr. Cheney researched it and said it should only be 6 square feet. He thinks the sign is about six feet by five feet.

Ms. Mansouri said if someone makes a complaint, the Selectboard can look into it. The Selectboard are the enforcers. Ms. Leclerc said since the ZBA is in charge of signage you can complain to us and the ZBA can write a letter and get it to the Selectboard. Mr. Anderson said the Board can only address the size of it, the Board has

nothing to do with content.

It was decided the secretary will write a letter about the sign and then send it to the Selectboard.

Gravel Pit forms: Judy Trow and Pauline Barnes handed in the forms for the Whipple Hill and Cold River pits. Plant supervisor Gary Patch showed them around. One issue at Cold River was the incline of a slope on the Route 123 side of the quarry was greater than 1:1. Although it had a barrier there was an access area where trucks were going in. A note on the inspection form say “Mr. Patch is aware that the slope must return to a 1:1 grade and has agreed to do it immediately.”

Ms. Mansouri asked if Ms. Trow had set up a return visit. Ms. Trow said that Mr. Patch noticed the slope at the same time she did and she feels he will correct the problem. Ms. Barnes said Mr. Patch seems very proactive.

Regarding Whipple Hill, a note says, “minimal activity sufficient to maintain active status.”

Mr. Murray turned in the form for the Joe Sawyer gravel pit on Route 12.

The secretary will send a letter to all gravel pit owners with copies of the excavation form.

Later in the meeting, Ms. Barnes wondered if the excavation form should have signature and date lines added. Ms. Mansouri said these are the forms that the state requires. Ms. Leclerc said you may add an extra page if you want to make other comments.

Avatar map: Ms. Trow, Ms. Barnes and Ms. Mansouri agreed that the only Avatar map that they looked at had no street names, streams were not identified and the map was just blocks of color.

Fee for ZBA applications: Ms. Mansouri was at a recent Selectboard meeting and the cost of application fees came up because the cost for printing of legal notices in The Keene Sentinel has risen to about \$85.00 each. The cost will now be \$125.00 for all applications to cover the rise in cost of the newspaper notice plus the time it takes for the secretary to write and send it. The cost of \$8 per abutter will remain the same because the cost of certified/return receipt mail remains at \$6.70 per letter.

Ms. Trow made a motion to increase the fee for all applications fees to \$125 to cover the rising cost of legal notices. Ms. Leclerc seconded the motion. After some discussion it was unanimous.

Variance Application: Discussion centered on the particular variance application Ms. Canedy filled out. It was realized that a criterion was left out. It was an old application. The criterion left out was “the variance will not be contrary to the public interest.” The secretary will go through all the application files and look for old applications and remove them.

November meeting: Ms. Trow pointed out that our next meeting on Nov. 21 was the day before Thanksgiving. Some Board members will be away. According to RSA 673:10 “Meeting of the heritage commission, the historic district commission, the agricultural commission, the housing commission, the building code board of appeals, and the zoning board of adjustment shall be held at the call of the chairperson and at such times as the board may determine.” It was suggested that the secretary contact Lil DeCoste for a notice in The Walpolean and Ray Boas, editor of The Walpolean.

New Ordinance: Ms. Barnes said the Board may want to discuss AirBnBs in the future. They could become a potential problem in touristy areas. Should we take a look at an ordinance? There is an ordinance on Bed and Breakfasts but not AirBnBs. Already there are two warrant articles proposed for 2019. Maybe next year.

Ms. Trow made a motion to go into Executive Session. Ms. Barnes seconded the motion. The Board went into Executive session at 8 pm. At 8:30 Ms. Trow made a motion to come out of Executive Session. The motion was seconded and approved. Ms. Trow made a motion to seal the minutes. The motion was seconded and approved.

After the Executive Session a motion was made, seconded and approved to adjourn the meeting.

Respectfully submitted,
Marilou Blaine

cc: ZBA, WPB, Selectboard, Town Offices, North Walpole commissioners, The Walpolean, Web site
www.walpolenh.us

Posted: Inside Town Offices, outside Post Office bulletin board.

Happy Thanksgiving everyone.