

**Walpole Planning Board Workshop**  
**Town of Walpole**  
**October 23, 2018**  
**7 pm**

**Present:** Board members: Vice-chair Robert Miller, Secretary James Aldrich, Dennis Marcom, Jason Perron, Jeff Colley. Selectboard member Steve Dalessio. Guests: Eric Merklein, Carol Ogilvie, land use consultant. Sue Fillion, land use consultant for Brattleboro came in about halfway through the meeting.

Ms. Ogilvie worked as a consultant on the Walpole Master Plan several years ago.

**Topic: Zoning Ordinance Article VIII, Section C. Special Exceptions in the Rural/Agricultural District.**

Ms. Ogilvie said in the early days of zoning Special Exceptions were a legal way to allow certain changes in zoning districts that weren't permitted in the ordinance. They don't serve the same purpose as the way that they used to, she said. Special Exceptions lower the bar. A skilled applicant can get around them and the fate of a decision rests more on the abutter and the public.

Special Exceptions are not required by state statute to be in a town's zoning ordinances, Ms. Ogilvie said. So now some towns are turning to Conditional Use. Conditional Use puts the Planning Board in charge of the entire process – from the request for a Conditional Use, or a request for a waiver to do something that is not permitted in a specific zoning district, to dealing with a site plan. It would be all one path, she said. Conditional Use would have criteria just as a Special Exception does. It would have specific types of permitted uses.

The discussion of which of the three option was best went back and forth. Ms. Ogilvie categorized the three by difficulty or the “bar” threshold of the three options: Special Exceptions – low; Conditional Use - in the middle; and Variance – high.

The arguments for:

Keeping Special Exceptions. They provide a check and balance of the two boards. The main criticism of some of the current Special Exception criteria that the Zoning Board of Adjustment has to meet in a Special Exception in the rural/ag district was that it was not restrictive enough. Someone called the criteria “fuzzy.” But on the other hand, someone pointed out, that the system has worked in the past.

Remove Special Exceptions from the rural/ag district. That would mean applicants would have to go to the ZBA for a variance, which is more difficult to get.

Change from Special Exceptions to Conditional Use. One of the dangers with this approach is that it depends entirely on the character of one board. Also appeals for a Conditional Use would go to Superior Court, not to the Zoning Board of Appeals. But Ms. Ogilvie said, it allows for more flexibility and it's more efficient. Ms. Fillion said Brattleboro uses the Conditional Use method.

In all these options, you would still rely on the Master Plan as well as the Site Plan, Ms. Ogilvie said.

If any change were to be made to the current zoning ordinance, it would have to be voted on by the townspeople.

Other items of discussion were the Master Plan and the timetable for working on that and a solar ordinance. Mr. Dalessio said there is at least \$8,000 earmarked to be used for a consultant to work with a group to look at the Master Plan. The time table would be late spring to begin work on the Master Plan. The solar ordinance could be worked on through the winter and spring. The ordinance must be completed by September 2019 so it can go to the town attorney for review. Then it goes to the Planning Board for a Public Hearing.

Mr. Merklein asked if the work was going to be done by a group of concerned citizens or the Planning Board or a mixture of both. That hasn't been decided.

What section or sections were going to be worked on? Southwest Regional Planning Commission planner Lisa Murphy thought it was going to be population and transportation. She may have thought that it was population because there is a census coming up. Also, there is grant money for towns that work on the transportation section of a Master Plan. But Board members at the meeting said they thought they would be working on land use.

Is there going to be a survey first? The last survey that was done had very little response but there are more avenues to get to people to fill it out today. Ms. Ogilvie suggested a kick off with food, pictures, etc. and making it a big deal.

In any case, before working on the Master Plan, Ms. Ogilvie suggested reading over the land use section and seeing if there were any things in it that didn't make sense any more. She suggested the same thing for the zoning ordinances.

Respectfully submitted,  
Marilou Blaine, Recording Secretary

cc: WPB, ZBA, Town Offices, The Walpolean, Website [www.walpolenh.us](http://www.walpolenh.us)  
Posted: Inside Town Offices, bulletin board outside post office.