

Walpole Planning Board Minutes
November 13, 2018
Town Hall
7 pm

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

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: Mr. J. Miller called the meeting to order at 7 pm. Since two Board members were absent, Mr. J. Miller asked Ms. Andros and Mr. Colley to fill in.

Minutes: Regular minutes and workshop minutes. Mr. R. Miller made one correction. On page 6 second to last paragraph of the regular minutes, the name should be Ms. Sue Domanico, 64 Bookseller Road. A motion was made to accept the amended minutes and workshop minutes. Mr. R. Miller seconded the motion and the motion carried.

New Business:

Warrant articles: The Planning Board is responsible for putting changes to zoning ordinances on the warrant and having public hearings for those warrant articles This year the Board is recommending two articles.

No. 1 would correct the zoning district of two lots on the road Ames Plaza Lanes owned by William Carmody. It reads:

“Are you in favor of the adoption of the following zoning ordinance amendment as proposed by the Walpole Planning Board to be added to the Town of Walpole’s Zoning Ordinance? To amend Article VI Commercial District and Article V Residential District by changing and restoring zoning classification of Lots 55-5 and 55-21 from Residential B to Commercial.”

Mr. Dalessio asked if the article should also include the a reason behind the warrant article and include the suggestion by town attorney Jeremy Hockensmith. Mr. Hockensmith says, “This amendment is necessary to correct an error in Warrant Article 2, adopted and approved at the March 13, 2007 annual meeting mistakenly changing these lots zoning classification.” Mr. R. Miller asked if it would help to clarify the article for the voter. And Ms. Andros asked if reason are given as to why a warrant article is adopted/

Mr. Miller said he didn’t know if it should be part of the language of the actual warrant article. You can give the rationale for voting for the article but should it be part of the wording of the article? he asked.

Mr. Colley asked if the first article should include the tax map number. The secretary said that there could very well be the same number lot mentioned on any one of the other 29 tax maps. So it was decided that the tax map number should be included in the warrant article.

The second warrant article was about an article that was adopted at the 2018 annual meeting, amending the Zoning Ordinance to permit the Planning Board to make minor changes to the Zoning Ordinance. Mr. Hockensmith thought it was unenforceable. So to revoke this amendment, he suggested the following warrant article.

“Are you in favor of revoking and rescinding the amendment to the Town of Walpole’s Zoning Ordinance, adopted and approved as Article 3 at the annual Town Meeting held on March 17, 2017?”

Mr. Hockensmith suggested adding "This approved amendment granted the Walpole Planning Board authority to make minor changes to the Zoning Ordinance in certain circumstances. Subsequent to its passage, Town legal counsel advised it was not enforceable under New Hampshire law."

Mr. J. Miller will check with Mr. Hockensmith to see if these explanations should be included in the actual warrant article or be an explanation of why the article is on the warrant.

Mr. Aldrich made a motion to hold Public Hearings next month (December) for both warrant articles. Mr. R. Miller seconded the motion and it passed unanimously.

Walker Road property: A few days after the D&C Transportation Public Hearing with the Planning Board concluded on October 9, 2018, Mr. Ray Boas and Dr. Chuck Shaw purchased the property and are raising funds to pay for it and turn it over to the town. The process for the Town to accept ownership of the property is that the Selectboard must have approval from the Planning Board and the Conservation Commission. The land is then put under the stewardship of the Conservation Commission. At the Planning Board meeting Mr R. Miller made a motion to recommend that the town accept the property. The motion was seconded by Mr. Aldrich and the Board voted unanimously to do so.

Mr. Colley noted that there is a deed restriction on the property stating the land will not be developed in perpetuity. Also, future selectmen may not sell the property.

Cost of a Public Hearing when the Planning Board has to make a Recommendation for Special Exception in a rural/ag district:

When an applicant needs a Special Exception in a rural/ag district, he/she needs approval from the ZBA. But before the ZBA makes a final decision, it needs a non-binding recommendation from the WPB.

Both of these Boards must hold Public Hearings and up to now when an applicant fills out an application he pays the fees for ZBA Public Hearing and certified letters to abutters for the ZBA. The applicant also pays abutters fees for certified letters to be sent on behalf of the WPB. But the applicant has not been paying for the notice in the newspaper for a Public Hearing. The Town has.

After a short discussion, it was decided that since the Special Exception is required by the Zoning Board, the Zoning Board should collect all the fees attached. That includes the cost of advertising the two Public Hearings in a local newspaper, one by each Board, and the certified letters send to abutters for each Public Hearing.

The Zoning Board will discuss this matter of how much to charge at its next meeting in December.

November Workshop: There will be a Planning Board workshop on Tuesday, November 27 at 7pm in the basement conference room to discuss the sample solar ordinance prepared by Board Members Jeff Colley and Joanna Andros. Also, there may be discussion of Carol Olgivie's visit and the Conditional Use permit.

At 7:30 pm Mr. Aldrich made a motion to adjourn. Mr. J. Miller seconded the motion and the motion passed unanimously.

Happy Thanksgiving to everyone.

Respectfully submitted,
Marilou Blaine, Recording Secretary

cc:WPB, ZBA, Selectboard, Town Offices, North Walpole Commissioners, The Walpolean.
Posted: Bulletin board in side Town Offices, outside Post Office, on the town website www.walpolenh.us.