

**Zoning Board of Adjustment  
Town of Walpole  
Wednesday, March 20, 2019  
7 pm**

**Present:** Myra Mansouri, Chair, Jan Leclerc, Vice-Chair, Judy Trow, Tom Murray, Pauline Barnes.  
**Alternate:** Don Sellarole. **Absent:** Bob Anderson.

**Election of Officers:**

Ms. Mansouri opened the meeting at 7:02. She asked for nominations for officers. Ms. Trow nominated Jan Leclerc as Chair. Ms. Mansouri seconded the motion. There being no other nominations, Ms. Mansouri called for a vote and the motion carried unanimously.

Ms. Mansouri asked for nominations for Vice-Chair. Ms. Trow nominated Ms. Mansouri. Mr. Murray seconded the motion. There being no other nominations, a vote was called and the motion carried unanimously.

Ms. Mansouri asked for nominations for Clerk. Mr. Murray nominated Ms. Trow. Ms. Leclerc seconded the motion. There being no other nominations, the motion carried unanimously.

**Minutes:** Ms. Barnes made one correction on Page 2, first paragraph. The word “they” was repeated twice. Ms. Trow made a motion to approve the minutes as corrected. The motion was seconded and approved by the Board.

**Old Business:**

**Public Hearing:** Robert Westover, 670 Valley Road, Map 11, Lot 34-1 in the rural/ag zone. Proposed use is a two car garage with a 13 foot carport. Variance for not meeting setback ordinance.

Mr. Westover passed out several excellent photographs and an 11-inch-by-17-inch detailed drawing of his house and property, approach to the proposed garage and carport and side yard where the proposed building would go. He said the property where he intends to put the building slopes down and he would have to pay a considerable amount of money to build a retaining wall on that slope. It would be double the cost. If he could move it 10 feet closer to the house and 10 feet closer to the property in back, he could avoid that problem. The ordinance states that the setback be 20 feet from abutters on the rear and sides of the property.

Mr. Westover was then asked who owned the property in back of him. Mr. Westover said it was Dale Hubbard and he used the property as a wood lot and the hill continues up. Mr. Sellarole asked what was his comment. He returned the certified letter with no comment. So he would show up if he had a problem with the variance? Mr. Sellarole asked. Or, Ms. Mansouri said, he could write a letter to the secretary or the Board.

The secretary said she received no comment from Mr. Hubbard.

Mr. Westover was asked to read his answers to the criteria for a variance.

**Give specific details of project.** Article VIII, Section D.

This is a request to build a 26-by-32-foot garage with a 13-foot carport located on the back of the property line in front of the house. With the existing property slope, the garage would need to be 10 feet from the property line to minimize costly site work, which would be a hardship.

Ms. Leclerc said that money cannot be a consideration for hardship. It has to have something to do with the land. Later Ms. Barnes suggested then that it was the contour of the land that was the hardship.

**The proposed use would not diminish surrounding property values because:**

The garage would not be an eyesore or inhibit abutters in any fashion.

**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:**

No other place is flat enough without major and very expensive site or foundation work.

**Granting the variance would do substantial justice because:**

It would allow for garage space to the homeowner and increase the property value.

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

It is not inhibiting abutters' property values.

So the total is going to be 32 feet and 39 wide? Mr. Murray asked. Mr. Westover said "yes." It's a two car garage with a lean-to that is towards the driveway. We put the lean-to there because it would get more sun and snow would not build up. The distance from the corner of the house to the corner of the garage is about 50 feet.

Mr. Murray asked how the carport was going to be used. Mr. Westover said for cord wood and to store a lawn mower and snow mobile. Ms. Barnes asked about the apparent large stones that were in one of the pictures. Mr. Westover said that it was fill from when the foundation for the house was built and it created a boulder retaining wall.

Ms. Barnes was trying to get a picture of where the garage would go from one of the pictures. Mr. Westover said, "You go up the driveway and the garage would be here," he said pointing to a place on the photo. It's where our parking area is and it could be seen in the photo where an vehicle was parked. Mr. Westover said the garage would start there.

Mr. Sellarole asked a lot of questions about what would width at building line meant. Ms. Leclerc explained that it means the width of the property line. It is not an important measurement in this case.

Ms. Mansouri asked if there were any more questions. There being none, she closed the Public Hearing. Then she asked for comments. Mr. Murray said that the hardship is the result of the land area. He agreed that there is a hardship because of the minimal space Mr. Westover has to work with. Ms. Trow and Ms. Barnes agreed.

Ms. Trow made a motion to approve the Variance to Article VIII Section D. in the rural/ag zone for a variance to the setback for a two car garage and carport. Ms. Leclerc seconded the motion. It passed unanimously.

**New Business:**

Joel Stoddard was at the meeting to request a Public Hearing in April for a Special Exception to have an automotive repair shop on the former Carmody property, Map 12, Lot 21, commercial district.

Ms. Mansouri said an automotive repair shop is not permitted on this property. She read from the Town Well Source Protection Ordinance and had a River Well map, which shows that the area is quite wide and runs from the Connecticut River, south down to Huntington Lane, north to a line that runs at the edge of Dearborn Circle and east to the hills north of Upper Walpole Road.

Mr. Stoddard said he had an offer on this land and he read the building ordinance and then got to bottom of the page and realized it didn't look like he can build an auto repair shop here.

Ms. Mansouri read the section titled Prohibited Uses: The following uses shall not be permitted in the Town Well Source Protection Districts: "Section K: Automotive service and repair shops, fuel sales, junk yards and salvage yard."

Mr. Stoddard said he realized this as he was researching the project. He ran into a similar situation when he leased the property where he is now, but since an auto repair shop has been there before, he was allowed to have his shop there.

He said the owner of the building he is in now does not want to sell the property and that the heating cost is \$6,000 a year and he has to shovel off the flat-topped building. It was a little frustrating. He said, "I have an offer pending."

How did you know to check that source? Ms. Barnes asked. He answered because of his experience before. After he left the Board discussed how to better address a situation like this.

**Special Exception Forms:** The Board will review forms for Planning and Zoning Boards and Special Exceptions in the Industrial and Commercial Districts and discuss them next week.

**Avitar Map:** Board members discussed their frustrations at finding discrepancies in the commercial lines in the Village.

Mr. Murray made a motion to adjourn the meeting. Ms. Leclerc seconded the motion and it carried.

**Handouts:**

Airbnb

**Next meeting:** Wednesday, April 17, 2019

Respectfully submitted,  
Marilou Blaine, Recording Secretary

cc: ZBA, WBA, North Walpole Commissioners, Selectboard, Town Offices, The Walpolean,  
[www.walpolenh.us](http://www.walpolenh.us).

Posted: Inside Town Offices, outside bulletin board at the Post Office