

**Zoning Board of Adjustment  
Wednesday, August 21, 2019  
Walpole Town Hall  
7 pm**

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

**Roll Call:** Ms. Leclerc called the meeting to order at 7 pm. She asked alternate Mr. Ernie Vose to fill in for missing Board member, Myra Mansouri. Ms. Mansouri came in a few minutes later. Mr. Vose stepped down.

**Recording:** Marilou Blaine. These minutes are unapproved and will be reviewed at the September 2019 meeting for corrections, additions and/or omissions.

**Minutes:** Ms. Trow made two corrections: Page 1, paragraph seven – take out the word “the” before the word “follow.” Page 2, paragraph six, add the words “a motion” after the words “agreed to.” Mr. Vose made a motion to approve the corrected minutes. Ms. Mansouri seconded the motion and the motion carried.

**New Business:**

**Ralph Smith, 409 Main Street, Map 12, Lot 8.** Steven Smith, Ralph’s son, inquired about renovating the garage and shop in back of Mr. Ralph Smith’s house for living space for his brother-in-law, who will be moving to Walpole from Arizona.

Mr. Steven Smith said his mother is having a hard time getting around and if a person were living nearby and on the property, it would help with the situation. Mr. Steven Smith said his wife is also having a difficult time, so he said he’s taking care of two difficult situations at the same time.

His inquiry addresses the following ordinance: Article IV, Section N - Detached Accessory Dwelling Units (DADU). This ordinance allows one DADU on all lots in all districts that permit single-family dwellings.

Mr. Steven Smith said he has talked to Mark Houghton, the contact for the Walpole Water and Sewer Department, about accessing the sewer that runs near his father’s house. He also wants to hook up the new living quarters to the sewer system. Mr. Houghton said he could do it.

Mr. Vose asked why he wasn’t hooked up to the sewer system when it was originally put in. Mr. Ralph Smith explained that when the sewer was first put in the line went down the other side of the road and in order to access the sewer the pipes would have to go under the road. Later on, when Chamberlain Machine was being built, another sewer line was added to the access road to Chamberlain, but he already had a septic system.

Ms. Mansouri asked about work on the exterior. Mr. Steven Smith said there would be no work on the exterior with the exception of the windows. It’s a two car garage, with a shop at the end. The floor would be raised, the sewer and water would be added. The garage is already fully insulated. He put vinyl siding on the garage a few years ago as well as adding a metal roof.

Mr. Vose asked how far from the garage to the back of the lot. Mr. Steven Smith said 66 feet. Mr. Vose said there’s no room for another building so it can’t be divided into another lot. Mr. Steven Smith said there’s a lot of room there, but the problem would be frontage. Diamond Pizza owns the lot in front of the corn field and Diamond Pizza has the road frontage on Route 12. There’s no way to access the corn field. Mr. Murray said, “What about a shared driveway?” Mr. Sellarole asked about setbacks. Mr. Steven Smith said it’s more than 20 feet.

There are a couple of restrictions in the DADU ordinance that apply to Mr. Smith's situation, under Section N, Subsections B and D.

Section B. The maximum area for a DADU shall be 900 feet of living space. A larger living space may be permitted by a variance granted by the Zoning Board of Adjustment.

Section D. DADU's must be within 150 feet of the principal dwelling.

Mr. Steve Smith brought in a map showing the garage or future living space is 48 feet by 24 feet. That is larger than the ordinance allows. Also, the distance from the garage to the main house is 206 feet, farther than the 150 feet mandated by the ordinance.

In order to address these two matters, Ms. Leclerc said that Mr. Ralph Smith would need a variance for the distance from the main building to the new living quarters and the size of the building. He will meet with the secretary next Monday to get an application and get the abutter list.

Ms. Trow made a motion to hold a Public Hearing for a variance for Ralph Smith in September pending completion of the application and payment of all fees. The motion was seconded and approved by the rest of the Board.

**Caribou Realty LLC, requests a Public Hearing for the September meeting for a variance for a side setback from a boundary line for property on Lot 18. There is a shed that encroaches on the side yard setback of 20 feet. The shed is 7 feet from the property line. Article V, Subsection C-2.**

Surveyor Joe DiBernardo is representing Caribou Realty LLC. He was unable to make the meeting but included a letter with the application and abutter list. The letter apologized for his not being able to attend the meeting and explained the variance proposal. He also included several plats for the Zoning Board members to look at.

The boundary line is between Tax Map 18, Lots 18 and 19, on Old Keene Road. Lot 18 is owned by Griffin Sivret and Andrea L. Vickers-Sivret and Lot 19 is owned by Caribou Realty LLC, Trustee of Aloysius Hollingsworth Trust. The properties are in Residential A. In order to get a Boundary Line Adjustment, the Sivrets need a variance because the adjustment brings the shed closer to the boundary line.

After the Board took several minutes to look over all the documents and the plat, Ms. Trow made a motion to hold a Public Hearing in September for a variance for a side setback pending completion of the application and all fees are paid. Ms. Mansouri seconded the motion and the motion carried.

**Variance: Peter King**, 46 Dearborn Circle, Map 12, Lot 55-22, Proposed garage side setback less than 20 feet from the property line. Mr. King did not come to the meeting.

**New signs for Abenaki Springs Phase II;** The secretary explained that there are now three signs for leasing at the Phase II portion of Abenaki Springs, which will be finished this fall. One is a free-standing sign in front by the side of the road, another is a large yellow sign on the side of a modular building that was used as a sample apartment for a previously proposed senior living facility and the third is attached to a sign, required by NH Housing, that lists all the companies involved in the construction of the new apartment building. That includes the surveyor, general partner, construction companies, housing authority, etc. To that sign has been attached a smaller sign, saying "Move In Special." Since the temporary required NH Housing sign is already 32 square-feet, the maximum allowed in the Commercial District, the smaller sign must be removed. The Board asked the secretary to write a letter to Mr. Franks, general partner, and ask him to remove the sign because he is violation of the sign ordinance.

**Avitar map:** Ms. Leclerc said that after reading the Select Board's minutes of July 25, the one that Ernie Vose and Myra Mansouri attended, something in the minutes made her realize that the Select Board is expecting the ZBA Board to find everything wrong with the Avitar map so that Avitar can then fix it. Ms. Leclerc added that a whole bunch of things are wrong with the map.

Mr. Vose agreed that it sounded as though the Select Board want the ZBA to be in on it so Avitar could correct the maps but according to the RSAs, it's the Planning Board's job to do that.

Ms. Barnes asked, "Avitar made mistakes on the map, but it's not Avitar's job to correct it?"

Mr. Vose said that from the beginning, he was under the impression that none of the maps on view at the Town Offices are legal maps. The legal ones are the ones surveyed and the ones owned by Avitar. Ms. Trow added and the ones at the Registry of Deeds. And Avitar is not keeping those maps (the ones in the Town Offices lobby) up to date.

Ms. Barnes said she'd like to address the view that the ZBA is going to fix everything.

Mr. Vose and Ms. Mansouri agreed with Ms. Leclerc that that was their interpretation – that the Select Board would like the lots straightened out and it wants the ZBA to do.

There is so much wrong, Ms. Leclerc said. All the timberland property is wrong. They followed the property line instead of considering the setback from the roads. The same with the commercial district. They follow the property line instead of the zoning ordinance, which specifies the number of feet from the road. It's Avitar's responsibility, they have the technology .

Mr. Vose said the maps in the Town Offices lobby are separated by maps and numbers and certain areas. Maybe the Board could take one or two of the maps and do our best to check those maps. Ms. Leclerc said that would take years. She said most of the lots are accurate but as far as the zoning, they are incorrect.

Mr. Sellarole said the Avitar map doesn't jive with another zoning map he was looking at. The map he was referring to was the original map, printed in 1964. Mr. Vose said it's more accurate in the zoning aspect but it doesn't show some of the changes that have been made over the years. Also, some lots may be in more than one district. That's why you have to sit and read very carefully the descriptions, Mr. Vose said.

Ms. Barnes said she's bristling at the notion that the taxpayers in Walpole pay Avitar to do this work for us to get it right and when they get it wrong the ZBA is expected to correct their mistakes. If they're making the mistakes, they should correct it.

Ms. Leclerc said Avitar has the technology in determining where the lines are at least as well as the ZBA does. Ms. Barnes asked, "How many meetings have we had trying to figure this out?" The Board figured out the basic problem. They are using lot lines not the written descriptions in the zoning ordinances.

Ms. Mansouri thought the first thing the Board should do is draft a letter to the Select Board giving them an idea of what we think is wrong. Initially Avitar did not do it correctly.

It was finally decided that the secretary would draft a letter containing tonight's concern about the zoning maps and send it to each of the ZBA Board members and each member could weigh in on the letter.

Another draft would be created that included Board members comments and then eventually the Board would send a letter to the Select Board.

Ms. Barnes concluded, "It makes you wonder what they've done all over New Hampshire."

**Bylaws:** The secretary distributed copies of RSAs for Governmental Records and Public Minutes and

asked the Board to consider amending the bylaws to add the item titled "Raw materials." That item says "Raw materials: Tapes and notes used to compile meeting minutes are governmental records as long as they are retained: policy to discard/reuse after minutes are approved is acceptable."

Ms. Barnes said that if the Board was going to amend the bylaws it should include the way the ZBA Board votes on Variances. The Board should discuss each of the five criteria separately, but have one vote on the yea or nea decision for the application for a Variance.

Other Board members agreed this was a good idea.. Ms. Trow made a motion to amend the bylaws to include these two changes to the ZBA bylaws. Ms. Barnes seconded the motion and the motion carried.

**Matching approved warrant articles from past Town Reports with current zoning ordinances:** This will be the topic of a Workshop on August 28 at 7 pm in the basement conference room. Bring your copy of Walpole Zoning Ordinances.

**Adjournment:** Ms. Trow made a motion to adjourn the meeting. Ms Mansouri seconded the motion and the motion carried.

Respectfully submitted,  
Marilou Blaine  
Secretary

cc: ZBA, WPB, Town Offices, [www.walpolenh.us](http://www.walpolenh.us)  
Posted: Inside Town Offices, on the bulletin board outside the Post Office.