

**Walpole Zoning Board of Adjustment
Minutes January 15, 2020
Walpole Town Hall
7 pm**

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

Recording: Marilou Blaine. These minutes are unapproved and will be reviewed at the regular February 2020 meeting for corrections, additions and/or omissions.

Roll Call: Ms. Leclerc called the meeting to order at 7 pm. There was a full board present so an alternate was not needed to fill in.

Minutes: The December minutes had two corrections. Mr. Trow was changed to Ms. Trow and multi-family was changed to multi-family. Ms. Trow made a motion to approve the minutes as amended, Ms. Mansouri seconded the motion and the motion carried.

Old Business:

Public Hearing:

Variance: Marcus Lovell Smith, Boggy Meadow Farms, 13 Boggy Meadow Lane, Tax Map 7, Lot 1, rural/ag district wants to put a mobile home in the barnyard area of the farm. He is hoping to start milking cows again (he has 250 new heifers) and the mobile home is for two employees to be near the cows 24 hours a day. **Postponed** until February meeting. Article VIII, Section B.

New Business:

Hope Prentiss, in-home business, hair salon, 162 Cheshire Turnpike, rural/ag. Ms. Prentiss needs a letter of approval from the ZBA to open a salon in her home. Article VIII, Section B.

John Frost was at the meeting to represent Hope Prentiss. He said Ms. Prentiss would be working on Tuesdays and Thursdays. He needed a letter of approval from the ZBA to show a representative from the state licensing board when their representative comes to inspect the salon. He brought with him four letters written by abutters to show that they did not object to Hope Prentiss opening up a hair salon and photographs of - the salon, adjoining bathroom, separate entry to the salon and parking. The parking photographs show more than enough room for several cars.

Article VIII, B in the Walpole Ordinance Uses Permitted in the rural/ag district states "Residences may be used to house such customary uses by the owner or tenant as offices for doctors, lawyers, real estate or insurance, or other recognized professions or such home occupations as hair dressing or dress-making, except that the number of persons employed at any one location shall not number more than two persons in addition to the owner or tenant. Adequate off-street parking shall be provided on the premises."

Since the request was a permitted use in the district, it was approved without any further action from the Board and Mr. Frost received a letter of approval for Ms. Prentiss to operate a hair salon at 162 Cheshire Turnpike.

Three-apartment home on River Road:

At the December 2019 meeting, The Board received an email from the Town's Manager of Administration, Sarah Downing, alerting ZBA Chair Jan Leclerc to the fact that a house at 47 North River Road, Lot #018-012-001, is now a three-apartment building. The Walpole Zoning Ordinances state in Section V that the permitted uses for property in Residential A and B Districts include "one

single or one two-family dwelling per lot with private garages and accessory buildings.” So this property is in violation of that zoning ordinance. After some discussion it was decided that the secretary should write a letter to the Select Board pointing out the violation and recommending that the violation could be remedied by having the owners of the property come before the Zoning Board to request a Special Exception. The Board decided on a Special Exception because it also requires Site Plan Approval from the Planning Board.

The Select Board addressed the letter at a January meeting, but took no enforcement action. After a short discussion with Select Board member Peggy Pschirrer, she agreed to write a letter to the owners of the property explaining the violation and requesting that they get in touch with the Zoning Board of Adjustment.

Airbnbs: The Secretary received a telephone call asking her if there was an ordinance on airbnbs. The question was in regard to a property at 2 Main Street that was for sale and had been “an airbnb for years,” the caller stated. Walpole has an ordinance for b&bs, but she did not know if that also meant airbnbs. The ordinance under General Provisions, Section L states:

Bed and Breakfast Establishments

So called “Bed and Breakfast” establishments for the accommodation of paying, overnight guests, may be maintained as home occupations in all zoning districts provided that the number of rooms for rent in any one establishment shall not number more than four and further provided that breakfast shall be the only meal provided and that only to bona fide overnight guests. The conversion of a single-family residence or other building to a “bed and breakfast” shall require Site Plan approval by the Planning Board. Off-street parking for one car per rented room plus space for owner parking shall be provided.

With approval from the Chair Ms. Leclerc, the Secretary called the New Hampshire Municipal Association and spoke with Natch Greyes. The question to Mr. Greyes was “If a town has a Bed and Breakfast Establishment ordinance, does the town need a special ordinance for airbnbs. Mr. Greyes said it would depend on what is in the ordinance. The Secretary read the Walpole ordinance to Mr. Greyes and he said it seems to cover airbnbs.

After some discussion about how many Airbnbs there are in the town and how they are “under the radar,” the Board may have to make a slight change to the title of the ordinance to make airbnbs owners aware that they need to come to go to the Planning Board to get Site Plan approval and be in compliance with the ordinance. It was suggested that Ms. Leclerc get in touch with Town Counsel, Jeremy Hockensmith, as how to proceed.

Fencing: There was a query about fencing: how high, how close to the abutter’s property and does the owner need to make a request from the Zoning board?

The answer was there is no ordinance but the fence should not be on the property line because if the owner has to paint, stain or repair their neighbor’s side of the fence, the owner has to stay on his/her own property. There is no restriction on height and a visit to the ZBA is not required.

Log from May 1988 to August 2004: Clerk Judy Trow passed out a log of decisions on various Public Hearing requests for variances, special exceptions etc. that covered the years from May 1988 to August of 2004. This is a useful document when having to respond to questions from the Town Offices or caller when there is the question “Do you remember when so-and-so received a variance for such-and-such. Thank you Judy for all the work.

Handout: The Board received a handout prepared by the Walpole Conservation Commission titled “Farms, Forests, Streams and Wetlands: Walpole’s Conservation Plan.” There was a lot of oohing and

aahing over the colored maps in the document. At a previous meeting, the Board had a question about building near a wetlands and how close a building had to be from the wetlands. The answer, given by Alicia Flammia, Chair of the Walpole Conservation Commission, and found in this booklet is 100 feet.

Ms. Leclerc also began searching for an answer to this question and called the Southwest Regional Planning Commission. She really didn't get much of an answer there. Then she went online to see where the state stood on the matter. That too was unsuccessful. Mr. Vose suggested she go to the Natural Resources Conservation Service that's located in the Industrial Park.

Ms. Mansouri, who is an alternate on the commission, mentioned that the commission would like a joint meeting with the Planning and Zoning Board over specific items in the booklet and how to make them part of Walpole's zoning ordinances. Members of the Zoning Board welcomed that joint meeting. At the same time it was suggested that since the Planning Board was having an upcoming workshop on updating the land features section of the Master Plan that someone from the Commission might be interested in attending that meeting. Ms. Flammia will receive an email notifying her of the meeting and asking if a WCC member would like to attend. The workshop is open to the public.

Respectfully submitted,
Marilou Blaine
Secretary

cc: ZBA, WPB, Town Offices, Walpolean
Posted: Inside the Town Offices, on the bulletin board outside the Post Office.

Next meeting Wednesday, February 19, 2020