

Walpole Planning Board
Walpole Town Hall
March 10, 2020 minutes
7pm

Present: Vice-Chair Dennis Marcom, Clerk James Aldrich, Jeff White, Jason Perron, Jeff Harrington, Select Board Representative Steve Dalessio. Alternates: Joanna Andros, Jeff Colley. Absent: Chair Jeffrey Miller.

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

Meeting Opened: Mr. Marcom called the meeting to order at 7 pm.

Roll Call: One Board member was absent so Alternate Jeff Colley agreed to fill in.

Minutes: Mr. Harrington made a motion to accept the minutes as presented. Mr. Aldrich seconded the motion and the motion carried.

Old Business:

Public Hearing No. 1

Site Plan: Greg Gay. Mr. Gay proposes a 30-by-70-foot building at 8 Len-Tex Lane, North Walpole, Map 27, Lot 8-1, Industrial District. The building will have six offices, a bathroom and a room for inventory.

Mr. Michael Marquise began by talking about issues in the site plan that the Board said in a previous meeting were missing or needed updating. Mr. Marquise noted the setback lines have been added; the answer to the question about landscaping is that it is going to be grass; the handicap symbols now indicate where there are two handicap parking spaces. That completes the required site plan, Mr. Marquise said.

Regarding the new building plan: Mr. Dalessio said it is significantly different than what is on the application. He suggested Mr. Gay go back to the North Walpole Commissioners and get the approval of the new plan. Mr. Dalessio said we now have a kitchen, laundry, three offices and a two-car garage. You need a new application. Mr. Gay responded that he didn't think the building had changed significantly.

Mr. Marcom said he was struck by the plan going from six offices to three offices. It made him wonder if the use had changed and if that were the case, he should go back to the North Walpole Commissioners and Zoning department. Mr. Gay responded it is not a change of use. Mr. Marcom said, "It visibly looks like one. I don't know how it's going to be used." Mr. Gay said it meets all the requirements of the Planning Board. Other than the 30-degree angle, it really hasn't changed anything.

Ms. Andros said after rereading the previous minutes the building has gone from 6 offices to 3 offices. Mr. Gay said it meets all the commercial standards. It's got a wheelchair ramp, all ADA bathrooms. It's built to the standard.

Mr. Dalessio asked about the second form of egress. Mr. Gay said egress was through the parts room. That's a garage and a garage cannot be used as another form of egress. You need another door.

Mr. Aldrich held up a picture of the new floor plan of the building. He asked if that drawing had gone to North Walpole zoning. Mr. Gay said North Walpole told me I had to come to the Planning Board first. Walpole decides first and North Walpole decides after that. Mr. Aldrich held up the original drawing of the layout of the building and asked if the Zoning department had seen the drawing. Mr. Gay said he went to the Commissioners and the Commissioners looked at it and they approved it. And the Fire Chief approved it. Mr. Aldrich held up a drawing of the revised plan and asked the same question. Mr. Gay said the Commissioners and Fire Department had not seen the revised plan. Mr. Aldrich said he had to go back to them first.

Mr. Perron quoted from the North Walpole Fire & Rescue Department letter and he said that the letter mentions "6 offices, a restroom, a corridor or hallway, a small garage-style storage area and a full basement." Mr. Perron said it doesn't say anything about the kitchen, it doesn't say anything the laundry room. It doesn't look like the plan that we had before. "We have to work with what's given to us and these are not the same thing."

Mr. Donald Lennon, president of Len-Tex Corporation and a neighbor of Mr. Gay, said he had a great concern about the Industrial District being compromised and having a home located in a very intensive Industrial District. The area has been moving up and been improved by the folks at Commonwealth Construction and by Jason Dunbar's business. The whole area is moving up and increasing the tax base. There is a real concern about having the zoning being comprised by having what will be a residence that does not belong there. The owners are focused on industrial businesses, we all pay a significant amount in taxes to Walpole, in which North Walpole benefits. The owners need to be sure that we retain the integrity of the Industrial District so it maintains its tax base. There is a lot of money invested. Mr. Gay could not guarantee it would become a residence. It does not belong in the Industrial area.

Mr. Marcom said to Mr. Lennon that his remarks may be more pertinent to the folks in North Walpole.

Mr. Gay responded by showing the Board photographs of the area before and after he purchased it, saying that it looked better now than before. Mr. Marcom said to Mr. Gay that his remarks were more appropriate for North Walpole.

There being no further questions from the Board or audience, Mr. Marcom closed the Public hearing. Mr. Perron made a motion to continue the Public Hearing next month and send the application back to the North Walpole Fire Department and the North Walpole Commissioners and have Mr. Gay resubmit the new plan to them because it doesn't match their letters. Mr. Aldrich seconded that motion. The Board voted to approve the motion. None opposed it.

Public Hearing No. 2:

Site Plan: Robin Sanctuary. 73 Main Street, former American Legion building. Mixed Use. A real estate office is going in on the first floor of that building. Recently two apartments constructed on the second floor. Tax Map 20, Lot 52, Commercial District. Awaiting decision of ZBA regarding Expansion of a Non-Conforming Use.

Ms. Sanctuary explained that she had just purchased the former Legion building. She's proposing an open farmer's porch along the front of the building and she hoped that her tenants would use that to enter the building. Right now you cannot come out the front of the building and there only one egress and it's in the back. She is trying to make this building look nice. This open farmer's porch would fit in Walpole much better and it serves as an entrance, she said.

Mr. Dalessio pointed out that the porch addition had to go before the Zoning Board of Adjustment. Ms. Sanctuary said she was going to the ZBA meeting next week.

Ms. Sanctuary also had to have Fire Chief Mark Houghton look at the site. Mr. Houghton had already been to the site and he wrote in a letter that the building requires “2 hour separation per NFPA 1010 Table 6.1.14.4.1. between the office space located on the first floor and residential apartments on the second floor.” Ms. Sanctuary said she talked to Mr. Houghton and they agreed on a plan. Mr. Houghton told her that right now she can use the building either for new tenants or work at her real estate office. She could do one, not both. One or the other until the fire department requirement is corrected.

The porch is the same width as before. The porch will not go any closer to the road. The exit from the porch will be to the driveway.

Abutter Mr. Dave Adams, 57 Main Street, said that the amount of snow that comes off his roof and the snow from the plowing of the sidewalk is “horrendous.” While he’s glad to see her business there, he questions the wisdom of something like this in the front, Adams said. Ms. Sanctuary said she needed the porch for a second egress.

There being no further questions from the Board or audience, Mr. Marcom closed the Public Hearing. Mr. Dalessio made a motion to accept the site plan as presented on the condition that she gets approval from the Zoning Board for an Expansion of a Non-Conforming Use and she complies with the Fire Department’s requirement. Mr. Aldrich seconded the motion and the motion carried. No one opposed the motion.

Site Plan Walpole Creamery: 153 Main St. Owner Rob Kasper said the Walpole Creamery will get some improvements. The Creamery has taken over the wash and dry space. Eventually they will move the production part of the business over to that side so they can have inline processing rather than small batch processing. The parking lot will be repaved. Parking will be along Route 12. There will be a berm, a three-or-four-foot grassy area with some plantings and then parking spots for cars. The front of the building will have a new look with a four-foot boardwalk type area that will accommodate seating for customers. There will be a sloping roof with pillars over the boardwalk. Once production gets going, all the trailers will be removed and put a freezer back there. There will also be changes to the lighting and signage.

Mr. Aldrich made a motion to hold a Public Hearing for a site plan next month. The motion was seconded and the motion carried.

Hubbard Farms: Site Plan for a new chicken house. Scott Hunter, R&D/GGP Support Manager and architect Mike Petrovick represented Hubbard Farms. Mr. Hunter said that the chicken house Diane Miller talked about last fall has had changes both in that it will be substantially larger and no longer be able to fit on the original footprint of the chicken house that was removed and its design will be different. It will still be in the upper right hand corner of the property. The location is the Pomeroy Farm across from the cemetery on the corner of the hill going up North Road from Main Street and across the street from the Hubbard Farms headquarters. Mr. Perron made a motion to hold a Public Hearing next month (April) on the Hubbard Farms site plan for a new chicken house. Mr. Aldrich seconded the motion and the motion carried.

Site Plan: Ruggiero Processing Facility: Industrial District. Ruggiero wants to revert to using the original entrance as well as adding a scale and constructing a modular office on the site.

Tom Hanna, a Keene lawyer with DCM Environmental and Land Law, and Rob Hitchcock from SVE Associates were there to present Ruggiero’s proposal. The application was for site plan approval to put the driveway where it was originally approved so it would no longer go over a right-of-way, a new scale on the new driveway and build a modular office building. He said he had talked to Chair Jeff Miller and he asked whether Ruggiero had to go to the Zoning Board first. Mr. Hanna said that he and Mr. Miller evaluated that and determined that Ruggiero doesn’t have to go to the ZBA and they believed the town’s lawyer agreed with that.

Mr. Hanna said Ruggiero got his permit to process MSW or household waste. Mr. Hanna read a letter from the Select Board with regard to this matter. Generally, the Select Board letter said that while the town cannot regulate what kind of waste the town must accept, the town can apply the permitting process regarding the relocation of the entrance and the expansion into the neighboring lots. The Board said that both modifications would require site plan review and the latter modifications would require Special Exceptions.

But Mr. Hanna said Mr. Ruggiero is not going into the neighboring lots. Ruggiero intends to retain the new operations to the original lot and not use the expansion area. So the land that was approved for recyclables and construction is the same land that will be used for the scale and office. It is all on the original lot. The only thing changing is the type of waste being added and Mr. Hanna thought the Board recognized that the town can't regulate that. Mr. Hanna questioned the process of ZBA vs. the Planning Board. Mr. Hanna's conclusion is that the Zoning Board does not have the authority to rule on change of use or expansion of use because it is going to stay exactly on the site that used before. For the purposes of the relocated driveway, he was at the meeting to ask for a Public Hearing.

DES has approved a permit for Ruggiero to accept MSW waste and it is not local decision, Mr. Hanna said. The State has preempted the local government under the solid waste regulations. Tonnage that was approved for the original facility for waste and construction debris remains the same that was represented to the ZBA 12 years ago.

Mr. Marcom said he wanted to address the process whether to go to the Planning Board or Zoning Board first to approve the new proposal by Mr. Hanna. First, the original Special Exception still applies that any addition has to be approved by the Zoning Board. He referred to the minutes of the ZBA meeting, which listed 6 conditions. The fourth one says "operations cannot be expanded without returning to the ZBA for permission."

Then he read from page 19 of the Decision from the Court. "In summary Ruggiero must obtain a new Special Exception in order to obtain site plan approval from the Zoning Board."

The change of the zoning refers to the type of MSW waste, which may not be regulated by a municipality, Mr. Hanna said. Mr. Dalessio said he wasn't saying that (about MSW), he was referring to the addition of a scale and the building as changes.

Mr. Aldrich says there's a letter and Mr. Ruggiero agreed that if there are any changes needed there that he would go back to the Zoning Board of Adjustments.

In summary, Ruggiero must obtain a new Special Exception in order to obtain site plan approval. The question is who comes first, not whether we go forward. Mr. Hanna said that he would go to the ZBA next week and physically touch base with them and tell them they can't do anything about the matter. Mr. Marcom said in the meantime he will talk to the town's lawyer and see where that goes. Mr. Hanna said he would take the application back. He believed that the town, believing that the scale, driveway and office is a justification for meaning change, may not be the case. MSW is off the table.

Possible Site Plan Pete's Farm Stand: Teresa Yanizan represented Pete's Farm Stand on Route 12, which will be getting a new look this year. The retail space will be moved back from the highway from 38 feet to 61 feet and north by 10 feet. The old red shed will be replaced by a 24-foot-by-24-foot shed that will be moved from Rutland in two equal pieces. The new shed will rest on 6-inch pressure treated beams. There will be leveling of a site for the shed and improvements to the parking area. The distance in width in the parking lot will increase from 65 feet to 81 feet to allow for better traffic flow.

The tallest carport will remain as the outdoor display space, with the awning from the red shed put on the front facing Route 12. It will be aesthetically more pleasing than the metal building and will provide shade/rain protection to the retail space.

In a statement describing the new changes, Ms. Yanizan presented the Board with a list of benefits to the Community and to those working at the farm stand. These changes should be safer for motorists, both on Route 12 and in the parking lot. The new arrangement will allow for indoor storage of local items, allowing Pete's stand to remain open until Thanksgiving. The new structure will allow Pete's to expand the items it currently sells, all of which will remain locally produced. Currently, the farm stand operates entirely out of doors. This can be very unpleasant in cold and inclement weather. These changes would make the farm stand drier and safer and would allow heat in a small space.

Mr. Perron asked about electricity and water. Ms. Yanizan she would add electricity and hook up to the house on the property. She has town water that she use to wash vegetables.

The estimated cost of the project is: shed \$7,000, relocation of shed \$1,500, reconfiguration of driveway using existing materials \$500, site leveling using existing materials \$500. Total \$9,500. Since this was under the \$10,000 limit, a site plan was not required. Good luck.

Two-lot subdivision. Virginia Carter & Paul Kranowski, Barnett Hill, request for a Public Hearing. Postponed until March.

Wellstone Associates approval. In December 2002, a Boundary Line Adjustment was approved for Wellstone Associates. Tax Map 24, Lot 14. It's on the corner lot and barn across from Bellows Inn. Evidently the Mylar was never recorded at the Cheshire County Registry of Deeds. Joe DiBernardo is bringing in a new Mylar to be signed. Mr. Aldrich and Mr. Marcom signed the Mylar. The secretary will register it.

Signage: Ms. Andros had a concern of about signs along the road on Route 12 by the gas station. There are four of them now, she said. They wave and distract drivers. She was told that signage was under the purview of the zoning board.

Mr. Aldrich made a motion to adjourn the meeting. The motion was seconded and the motion carried.

Respectfully submitted,
Marilou Blaine

Workshop: Tuesday, March 24, 7 pm in the basement conference room. Master Plan.

Next meeting: Tuesday, April 14, 2020.

cc: WPB, ZBA, Town Offices, North Walpole Commissioners, Walpolean.

Posted: Inside the Town Offices, on the bulletin board outside the Post Offices.