

**Zoning Board of Adjustment  
Town of Walpole  
Virtual Meeting by Zoom  
Minutes of June 17, 2020**

**Present:** Board: Chair Jan Galloway-Leclerc, Vice-Chair Myra Mansouri, Tom Murray, Pauline Barnes. Absent: Ernie Vose. Alternates: Bob Anderson, Don Sellarole. Candidates for Alternate: Judy Trow, David Edkins. Presenters: Thomas Hanna, counsel for Ruggiero Processing Facility LLC, Rob Hitchcock of SVE Associates who prepared the site plan, Joseph Ruggiero, owner of Ruggiero Processing Facility.

**Roll Call:** Ms. Leclerc introduced each Board member and Alternate, as well as the Recording Secretary and she introduced the candidates and guests. She asked Mr. Anderson to step in for Mr. Vose and he agreed.

**Minutes:** Marilou Blaine, Recording Secretary: Ms. Mansouri made a motion to accept the March 2020 minutes. Mr. Anderson seconded the motion and the motion passed unanimously by roll call vote. The June minutes are unapproved and will be voted on at the July 2020 meeting for any additions, omissions or corrections.

**Election of officers and alternates:**

Ms. Barnes made a motion to elect **Ms. Leclerc Chair**. Ms. Mansouri seconded the motion. A roll call vote of Mr. Anderson, Ms. Mansouri, Ms. Barnes and Mr. Murray approved the motion.

Ms. Barnes made a motion to elect **Ms. Mansouri Vice-chair**. Mr. Murray seconded the motion. A roll call vote of Mr. Anderson, Mr. Murray and Ms. Leclerc approved the motion.

Ms. Leclerc made a motion to elect **Mr. Murray Clerk**. Ms. Barnes seconded the motion. A roll call vote of Mr. Anderson, Ms. Barnes, Ms. Mansouri and Ms. Leclerc approved the motion.

Mr. Murray made a motion to elect **Ms. Trow** as a new **alternate**. Mr. Anderson seconded the motion. A roll call vote of Mr. Anderson, Mr. Murray, Ms. Barnes and Ms. Leclerc approved the motion.

Mr. Murray made a motion to elect **Mr. Edkins** as a new **alternate**. Mr. Anderson seconded the motion. A roll call vote of Mr. Anderson, Mr. Murray, Ms. Mansouri, Ms. Barnes and Ms. Clerc approved the motion.

**Old Business:**

**Ruggiero Processing Facility LLC in Industrial Park: Thomas Hanna, attorney for Ruggiero Processing Facility LLC, Tax Map 1, Lot 10-2, Industrial District. Mr. Hanna proposed changing driveway location into the Ruggiero Processing Facility LLC and adding a scale and modular office for employees to do office work and monitor the scale. Also added will be a well and septic system for the modular office.**

Ms. Barnes and Mr. Vose had recused themselves from participating in this part of the meeting. Mr. Anderson had already been asked to sit in Mr. Vose's place. Ms. Trow was asked to represent Ms. Barnes' place.

Mr. Hanna, a Keene lawyer with BCM Environmental & Land Law, represented Ruggiero Processing Facility LLC. He has represented the Ruggiero Facility before and made a new proposal to use the same 6.23 acres that were the subject of a 2011 Special Exception to approve the new additions to the facility. What is being added to the current use of the property is a driveway in the location that was approved in 2011, (the driveway now goes over an easement owned by Hodgkins and Sons) and to install a scale. Next to the scale would be a 24-foot-by-40-foot modular office for people to do office work and monitor the scale as trucks come through. There would be a septic system and a well installed at the same time.

It's the position of the owners of Ruggiero Processing Facility that because this proposal is not an expansion and is only a "minor addition" to the activities already at the site that there is no need for a new Special Exception, Mr. Hanna stated. But he added that he recognized that he had to present a site plan before the Planning Board.

Mr. Hanna said it was the position that the court took when Ruggiero litigated this matter as it relates to the authority and jurisdiction of the Zoning Board over the procession facility. If Ruggiero were going to expand beyond the 6.23 acres, then the thought of a Special Exception would be warranted. But since the land use, in his view, is not changing and there in no expansion of use then Ruggiero just has to have a site plan review.

Ms. Leclerc said that now the Board has to make a recommendation to the Planning Board. But Board members had a couple of questions first.

Ms. Trow asked if this was a new scale. The answer was that Ruggiero currently takes his trucks to the Cold River Materials facility to be weighed for a fee of \$25 per truck.

Mr. Anderson asked about increase in traffic. Mr. Hanna responded that as the proposal relates to traffic there is no material difference from what was approved or what is happening right now.

Mr. Anderson asked if the people in the office would be there for the whole day. Mr. Hanna responded that currently two people were working from Mr. Ruggiero's home and office – his daughter and his mother – and they will be working in the modular office.

Which agency will deal with the fire risk regarding employees in the office? Mr. Anderson asked. Is it the fire chief? Who would approach the fire chief? What department heads are consulted as part of the site plan? Mr. Hanna responded that the site plan usually includes consulting the fire chief and the building permit and code process would also look at that issue.

Mr. Murray asked about the new driveway. Mr. Hanna said that the Department of Environmental Services wants the owner to have its own driveway on its own road and currently the driveway is over an easement. For that reason DES requested the driveway be moved back to where it was originally approved. Mr. Murray then stated "there would be no shared driveway." Mr. Hanna agreed and said the driveway would go from town road to Ruggiero property.

Ms. Leclerc asked if there were any other questions or comments. There being none, she asked for a motion.

Mr. Anderson made a motion that the Zoning Board inform the Planning Board that no new Special Exception is required provided that all construction and activities are confined to the original 6.23 acres for which a Special Exception was previously given. Further, the Zoning Board asked the Planning Board to require that, per NH Administrative Code 404.05, any waste stockpile be located, sized, and configured as required by our fire chief for the purpose of fire safety; that the fire chief also inspect all construction for any potential safety hazards, and that Ruggiero be required not to exceed the hours of operation stipulated in the original Special Exception. Mr. Murray seconded the motion.

Roll vote to approve the motion: Mr.. Anderson, Mr. Murray, Ms. Trow, Ms. Mansouri and Ms. Leclerc all vote yes.

Ms . Leclerc told the Board she would let the Planning Board know about the vote and the recommendations and that Mr. Ruggiero is free to go ahead with the site plan. The original hours of operation are Monday through Friday 7 am to 5 pm. Saturday 7am to 1 pm. No Sunday hours.

**Response Letter to the Select Board - Signage on Route 12.** Response from ZBA regarding adding two zoning ordinances to the Walpole Ordinances document, the oscillating sign ordinance and creating a new ordinance for feather flags. There was also a question about the cover of the Walpole Zoning Ordinance saying amended in 2020.

The recording secretary said that she had already started a response letter. It already included a copy of the sign ordinance in which the word “oscillating” appeared and the following year a tally of the vote was recorded. It was approved by the town in 1998 and the Town report of 1999 shows that the recorded vote for that sign ordinance was 453 yeses and 175 nos.

Regarding the question of how to indicate an addition to the Zoning Ordinances document without a vote on a new ordinance at Town Meeting by the Townspeople in 2019. The Board decided that it should somehow be noted that an addition was made to the document or otherwise if you were to use the current Walpole Zoning Ordinances you have in your possession saying “Amended in 2019”, you would not have a complete list of all the zoning ordinances in the booklet. In place of saying Amended in 2020, the Zoning Board is suggesting an asterisk be placed next to the 2019 on the cover. It refers to an asterisk on the inside cover explaining that these are two ordinances previously approved at Town Meetings but never included in the document. The two ordinances are now being added to the document this year.

Regarding creating a new ordinance for feather flags.

The Board believes that the current sign ordinances already prohibit feather flags for the following reasons:

All signs permitted shall be constructed of durable materials, affixed to a building or the ground, and shall be maintained in good condition and repair at all time.

The permitted distance from the center of a traveled roadway is 60 feet. Feather flags seem to appear at the edge of the roadway.

Distance from another sign must be 100 feet.

Temporary signs usually refer to construction and real estate signs.

Feather flags oscillate: The definition of oscillating means **Waiting for Don’s definition**

**Short-term rental ordinance.** Draft I. Ms. Leclerc recommended that the Board read Draft No. 1 of the short-term rental ordinance and then come back to the July meeting with questions, suggestions and any additions regarding the draft. It may take several drafts before settling on one.

**Closing the meeting:** Ms. Mansouri made a motion to adjourn the meeting. Ms. Trow seconded the motion and the Board approved the motion by roll call.

Respectfully submitted,  
Marilou Blaine  
ZBA Secretary

**Posted:** Bulletin Board outside Post Office, Inside and outside Town Hall, The Walpolean,  
[www.walpoleus.nh](http://www.walpoleus.nh)

**CC:** ZBA, WPB, Select Board, Town Offices.