

Zoning Board of Adjustment minutes
September 16, 2020
Town Hall
7 pm

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

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

Meeting Opened: Ms. Mansouri called the meeting to order at 7:02 pm.

Roll Call: Alternates Judy Trow and Dave Edkins agreed to fill in for the missing board members.

Minutes: Mr. Murray made a correction on page one, paragraph two, changing April to September. Ms. Barnes made a correction on the same page, paragraph seven, third line - Mr. Woodard didn't have its second "w" in his name. Ms. Trow made a motion to approve the minutes as corrected. Mr. Murray seconded the motion and the motion carried.

Old Business:

Signage: Genden Auto parts store – North Meadow Plaza – 32-square-foot sign to replace the Sears sign that was there. Owner John Lamoureux was present to answer questions.

The aluminum sign that was presented was just under the 32 square-foot requirement. It was 2.5 feet wide and 12.75 feet long. It appeared to be in two sections – the blue side saying "Auto Parts," which Mr. Lamoureux owns and the red side saying "Advance Auto Parts," which is an independent owner. He called it "a good fit." According to the internet, Advance Auto Parts is an automotive aftermarket parts company that has 5,300 company-owned stores in North America and 1,400 independently owned stores.

The sign will be lighted internally. The maker of the sign, Signarama, described it is as a light box made by Hanley NRG Series III LED's. Some technical particulars are:

The box will have 39 LED modules

Each module is 1 Watt or 70 lumens per module for a total of 6630 lumens.

With the diffusion by the face, it allows for only 27 percent light transmission, which will be further reduced by the full coverage of the face with graphics. So the net light transmission is somewhere between 3 and 8 lumens, depending on the specific color through which the light comes through.

Mr. Lamoureux said the sign is on a timer.

Ms. Mansouri asked about hours of operation and when the sign would be lighted. Mr. Lamoureux said the store would be open 7 am to 6:30 pm. The sign would stay on during hours of operation and until 8 pm.

Mr. Lamoureux said his parents live in Alstead so he knows the area. He has stores in Springfield, Greenfield, Deerfield and Shelburne Falls, all in Massachusetts. He opened the same kind of store in Wilmington, VT., last year and said it is doing very well. He has been eyeing the space in North Meadow Plaza for a while. He plans to open the store in late October or early November.

There being no further questions Mr. Edkins made a motion to approve the sign. The motion was seconded by Ms. Trow. The motion carried unanimously.

New Business:

Request for a Public Hearing for a Variance: Michael Nerrie – 507 March Hill Road, Map 11, Lot 59, rural/agricultural district – DADU or Detached Accessory Dwelling Unit – building is more than 150 feet from the main structure. Article IV – General Provisions O.

Mr. Nerrie brought in copies of the application, a check for the fee and copies of the plot plan, floor plan, an aerial view of the location and a sample of a pre-built modular home. He said the building he has chosen will now be 900 square feet. He said that as it stands now one corner of the home may be within the 150 foot limit from the main building. However, the ordinance requires that the entire building be within the 150-foot requirement so he needs to apply for a variance. He said that the contractor for the septic system was coming this week and he would know exactly the distance from the main building. It was decided that he should add “not to exceed 175 feet” from the main building on his application.

The floor plan would be similar to the one submitted only four feet longer. It shows a galley kitchen with an eating counter and a living room in the middle of the house with a bedroom on both ends of the building. There is a deck off of the living room.

Mr. Nerrie said the building will be for a couple who will help as caretakers of Distant Hill, 125 acres of gardens and nature that is usually open to the public. Distant Hill has nature-based classes and workshops and research projects as well as trails. The nature trail is open and Mr. Nerrie said that during the Covid crisis the use of the nature trail has quadrupled. He called it handicap accessible with an easy grade on the trail.

Ms. Trow made a motion to hold a public hearing in October. Mr. Edkins seconded the motion and the motion carried unanimously.

Request for a Public Hearing for Variance: Peter King, Dearborn Circle – Setback from neighbor is less than 20 feet. He's building a new garage. Check distance from middle of road. Article V – Land Standards D-2. Mr. King did not come to the meeting.

Mark Stevens – Extension of time to complete his house and demolish his parents' house.

Mr. Stevens is building a house on Watkins Hill Road on the same property on which his parents had a home. He intended to live in the house while the house was being built. His parents' house would be demolished when he was able to live in the new dwelling. Mr. Stevens was at the meeting to extend the time when it would be finished.

Mr. Stevens said he ran into trouble when his contractor got Covid. The contractor was out for a month and then after a few weeks he had a relapse with post-Covid syndrome. Another problem was that there was a serious problem with the supply chain of materials. Regarding demolishing the house, he said it was hard getting all his siblings together to clean out what's remaining in the house.

Ms. Trow suggested extending the date that the house be cleaned out and demolished to December 31, 2020. Mr. Stevens thought it could be done by that date so the Board agreed to that date as the extension.

Gravel Pit Inspections Assignments. Cold River Materials, Tim Graves, John Hodgkins - Old Drewsville Road and a gravel pit in the Industrial Park property.

Whipple Hill and Joe Sawyer's gravel pits closed in October 2019.

Assignments: Cold River Materials – Tom Murray and Dave Edkins.

Tim Graves – Myra Mansouri and Jan Leclerc.

John Hodgkins – Old Drewsville Road – Pauline Barnes and Ernie Vose.

John Hodgkins had another gravel pit at the Industrial Park. The land was recently purchased by Cold River Bridges. The Board was unclear whether with a new owner the land could remain a gravel pit, and if so, did Cold River Bridges intend to use it as a gravel pit. Ms. Mansouri was going to check with New Hampshire Municipal Association on this matter. Two Board members will be assigned to this place if it is still a remaining gravel pit. It was thought that Don Sellarole and someone else on the Board would visit this place if needed.

Appeal to the Zoning Board: Jim Jones want an appeal to the ZBA about the signs at 8 Prospect Hill. Mr. Jones did not come to the meeting because he said in an email, "Unfortunately due to my current health condition, the virus has me unable to attend public places unless necessary. I am sure all the information needed is in this quite informative email chain. If not, please let me know what other questions I can answer for you. I look forward to hearing from you on what the board finds."

Mr Jones' appeal said, "I am writing to you to appeal a Select Board decision regarding the signs at map and lot #019-070-000, 8 Prospect Hill Road. The Select Board has decided that the signs are temporary and are not a violation of the ordinance. Even though two of them are attached to buildings at the residence, one advertising a business and clearly larger than the six square feet permitted. Also the ordinance has no mention of temporary signs. I am not concerned with the content of their signs, more that they are breaking an ordinance designed to prevent sight pollution in our village. The ordinance states under Article 4: General Provisions, Section D: Signs, Subsection 4: Residential District, Signs shall be permitted no larger than six (6) square feet in the Residential District. Their signs clearly exceed the allowed square footage, including one advertising a "Studio 8" business. The ordinance states a sign no larger than 6 square feet. The ordinance also does not state anything referring to temporary or political. It also states "a" sign, not signs. Thank you, Jim."

Mr. Jim Jones lives on Cray Road in North Walpole. Mr. Jones has had a running email conversation with the personnel at the Town Offices and Select Board for the last couple of weeks. His complaint was with the signage at 8 Prospect Hill both with the number of smaller signs and the larger sign on the barn/studio, which he said, exceeds the allowed square footage.

The Select Board's decision was that the political signs are considered temporary and will come down eventually. The unapproved minutes say that "The person submitting the complaint is asking the Select Board to support his interpretation of the ordinance that the signs should not be there. Mr. Dalessio does not feel there is a violation of the Zoning Ordinance. Mrs. Pschirrer noted this resident can request an Appeal to the Zoning Board. The Select Board feels this is a matter of "Free Speech."

Mr. Jones wrote an email to the Zoning Board that he would like to appeal the Select Board's decision. However, there are certain requirements of a person or persons making an appeal to the Zoning Board.

According to Stephen C. Buckley, Legal Services Counsel at the NH Municipal Association, "If the Select Board refuses to take action to enforce an ordinance, and the complaining party had standing, they can appeal that decision to the Zoning Board. However, not all citizens in towns have standing to appeal decisions by the Select Board on zoning enforcement questions. To be entitled to appeal to the Zoning Board of Adjustment a person must demonstrate that he/she is a "person aggrieved," by showing a "direct definite interest in the outcome of the proceedings." *Casperon v. Town of Lyme*, 139 N.H. 637, 640 (1995)."

After explaining that Mr. Jones was going to appeal the Select Board's decision and after explaining the situation in a recent conversation with Mr. Buckley, he unequivocally said "No. He is not an abutter. Any concerned citizen who is not directly affected cannot make an appeal." If you don't live near the place that you are complaining about, you are not directly affected. Mr. Jones will be notified of the ZBA's decision.

Regarding the sign on the barn/studio, Ms. Mansouri said it is too large. No one on the Board could remember the owner of that property ever coming in to request signage for the barn. The secretary will research when the owner bought the house, look through the files to see if he applied for a Special Exception and, if not, the Board wants the secretary to write the Select Board to ask the owner to come to the next Zoning Board meeting.

Old Business:

Signage ordinance. Ms. Trow did a stellar job of clarifying some previous ordinances and working on a list of signage from a Charlestown list about exempt and temporary signs, which could be added to Walpole's ordinance. Earlier in the year the Select Board suggested the ZBA work on the sign ordinance.

The majority of the discussion was on the temporary signs. The Board finally decided to eliminate item No. 1 - "They have the approval of the Zoning Board of Adjustment" and make No. 2 No. 1. It would say "They are allowed to display them for no longer than 14 days per request. Such displays will not be more than 10 times per year."

The Board plans to complete revising the ordinance in October and pass it on to the Planning Board. The Planning Board then needs to hold a public hearing on the new sign ordinance so it can go on next year's March warrant.

Ms. Trow made a motion to adjourn. Mr. Edkins seconded the motion and the motion carried unanimously.

Respectfully submitted,
Marilou Blaine
ZBA Secretary

cc: ZBA, WPB, Town Offices, Walpolean.

Posted: Inside the Town Offices, on the bulletin board outside the post office, on the town website, www.walpole.nh.us

Next meeting Wednesday, October 21, 2020.