

Walpole Zoning Board of Adjustment
Wednesday, March 17, 2021
Meeting via Zoom
7 pm

Roll Call: Chair Jan Galloway-Leclerc called out the names of every board member and alternate and each one said “aye” if present: Pauline Barnes, Don Sellarole, Dave Edkins, Myra Mansouri, Tom Murray and herself. Absent: Ernie Vose and Judy Trow. One board member was absent so alternate Don Sellarole was asked to take his place. Each attending member was in a separate location.

Recording: Secretary Marilou Blaine. **This meeting is being recorded. These minutes are unapproved and will be reviewed at the April 2021 meeting for corrections, additions and/or omissions.**

Meeting Opened: Chair Jan Leclerc called the meeting to order at 7:08 pm.

Minutes: Ms. Mansouri said she was late to the February meeting because of “technical difficulties” - she couldn’t get into the meeting for 20 minutes. Ms. Barnes made two corrections. Last paragraph first page, make the last word rentals singular. On page 2, third to last paragraph change the paragraph to say “the owner of a short-term rental must leave a contact number for guests.” Mr. Murray made a motion to accept the minutes as corrected for the February meeting. Mr. Sellarole seconded the motion, and in a roll call vote, the board unanimously accepted the amended minutes.

Old Business: Shaw's signage. Signage for the supermarket in North Meadow Plaza is for four signs for designated parking spaces, a directional sign near the entrance to the Plaza and an illuminated sign on the building next to the grocery store name sign. The Zoom host displayed the signs on the screen.

Mr. Sellarole said that the four designated parking space signs had already been installed before getting permission by the zoning board. It’s like putting the cart before the horse, Mr. Sellarole said. There was some discussion about these signs. Are they just parking space signs? Should these signs be treated like handicap or reserved parking space signs that didn’t need board oversight? Do handicap signs come under the category of governmental signs, which means the zoning board has no say in where they are placed or how large they are? A couple of members considered the signs more as directional signs and were simply showing people where to park to have their ordered-ahead groceries picked up. Should the company be notified that they shouldn’t have done this without ZBA permission? Mr. Sellarole asked. Ms. Leclerc said that the zoning board can’t do that. It’s up to the Select Board. There were mixed feelings about this, but board members wanted to know more about the rest of the signs that were going to be installed.

Discussion ensued over whether or not the signs were permanent or would they be removed after Covid conditions had been lifted. Most board members thought they were probably going to be permanent and it was part of the store's business plan to continue this service for shoppers. After a lot of discussion, the board became more comfortable with the designated parking signs and discussion was more about the distance of the directional sign at the entrance to the Plaza. Is that sign too close to the Walpole Saving Bank sign or the marquee at the entrance than it should be? Also, the new sign on the facade of the building elicited some questions.

Since Shaw's distributes a flier every week to local mailboxes, why does there need to be a new illuminated sign on the facade of the building telling people they can have their groceries delivered to their vehicles? Mr. Murray asked. The information could be in the flier. That's not the board's call. Mr. Edkins said. It's up to the business.

The Board had other questions about signage and the board felt that they needed to talk to a representative from the sign company. Ms. Leclerc suggested that a representative of the sign company come in and answer all the board's questions. The secretary said that she was told that their representative who goes to different towns to explain signage was attending a similar meeting elsewhere on the same night as the ZBA meeting and that they would be attending the Walpole Zoning Board meeting in April. Both Ms. Leclerc and Ms. Mansouri felt a variance for the sign on the facade of the building and possibly another one for the directional sign depending on the distance from another sign was needed. It was suggested that the secretary contact the company and make sure someone would be attending next month.

New Business:

Sawyer Gravel Pit: Return gravel pit reclamation bond for Joe Sawyer. There has been a request that the bond money put up for permission to have a 3.6-acre gravel pit behind the Route 12 gravel pit be returned with interest.

The secretary researched minutes of the 1990s and found the minutes that granted an Earth Excavation Permit for the 3.6-acre lot behind the Route 12 gravel pit. The Zoning Board of Adjustment minutes of February 22, 1999, state that the request for the Earth Excavation permit was unanimously approved pending the receipt of a \$600.00 bond to be held by the Town of Walpole. That pit was officially closed in October 2019.

Mr. Edkins asked if the slopes were okay. Ms. Leclerc said they are 45 degrees or less. If you went in there you would barely know there was ever a gravel pit there. Should we make a perfunctory inspection? asked Ms. Barnes. I'm comfortable leaving it as is, said Ms. Leclerc.

Mr. Murray and Ms Leclerc were the two zoning members who last inspected the pit in 2019. Ms. Leclerc said that Mr. Sawyer hadn't taken any gravel out of that pit in the last couple of years and that the ground had pretty much grown up and covered then and basically reclaimed itself. Mr. Murray agreed that he felt the pit had been reclaimed. He said that even the embankment had some scrub trees growing. He made a motion to inform the Select Board that

the zoning board voted that the pit had returned to the reclamation condition and the bond money with interest should be returned to Mr. Sawyer. Ms. Mansouri seconded the motion and it unanimously passed by a roll call vote of the board.

DADU -At the end of the ordinance 7. C. it says, “The property owner shall submit to the Select Board a signed and notarized “memorandum of adequate notice”, to be recorded at the registry of deeds at the applicant’s expense.

“The notice shall identify the property on which the detached accessory dwelling unit is located by source deed and serve as a notice to successor owners that the accessory dwelling unit is subject to provision of this section of the zoning ordinance, and that owner-occupancy of one of the two units is required by this subsection. This notice shall be recorded upon issuance of a Building Permit.”

Basically, the town offices would like the ZBA to remind the owner of a person getting a DADU that they must follow these directions just as it does with reminding the owner to get a building permit. Ms. Mansouri said it should be put in bold. It cannot be put in bold until a whole new set of ordinances is printed.

Short-term rentals:

Ms. Leclerc received about half a dozen responses to her request from readers of The Walpolean to her questionnaire about an ordinance about short-term rentals. The Clarion will have some responses in its April issue and Tara Sad is also doing an online survey about the same topic.

The Board recently received an inquiry about a possible short-term rental in Drewsville. The owner would live next door. Since there is no short-term rental ordinance now, and it doesn’t fall into the B&B category, what does the owner need to do about opening and advertising a short-term rental now? Ms. Leclerc directed him to go to the Select Board.

Ms. Leclerc said according to the New Hampshire Municipal Association if Walpole’s ordinances are permissive it means that anything not specifically mentioned in the ordinances is not permitted. She is not sure if the Select Board would agree with that statement so she would like to consult the town’s attorney, Jeremy Hockensmith, about the matter. Ms. Barnes remembered a case in the NH Supreme Court about the same issue and she said it looked as if that town’s ordinance was structured similar to Walpole’s ordinances. Others on the board agreed it would be a good idea to clarify the issue. The board awaits Mr. Hockensmith’s opinion.

Respectfully submitted,
Marilou Blaine
ZBA Secretary

cc: ZBA, WPB, Town Offices, The Walpolean
Posted: Inside Town Offices, on bulletin board outside Post Office, www.walpole.nh.us