

Walpole Planning Board Minutes
Tuesday, August 10, 2021
Town Hall
7 pm

Roll Call: Present: Board members Chair Jeff Miller, Vice-Chair Dennis Marcom, Joanna Andros, Bill Carmody, Select Board Representative Steve Dalessio, Alternate Trevor MacLachlan. Clerk Jason Perron and board member Jeff Harrington were absent so alternate Trevor MacLachlan was asked to fill in and he agreed. Five members make up a quorum.

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

Call for meeting to come to order: Mr. Miller called the meeting to order at 7 pm.

Minutes: Mr. Marcom made a motion to accept the minutes as written. Ms. Andros seconded the motion and the motion carried.

Site Plan. Hearing continued from July meeting. Installation of 1 mega watt solar array on 6 acres, Tax Map 12, Lot 56, Commercial District. Ned Reynolds and Steve Dzubak of Revision Energy. Revision Energy vice-president Dan Weeks was also at the meeting. Applicant NGP Management LLC, North Reading MA. Jim Clifford.

Old Business:

Site Plan. Hearing continued from July meeting. Installation of 1 mega watt solar array on 6 acres, Tax Map 12, Lot 56, Commercial District. Ned Reynolds and Steve Dzubak of Revision Energy. Also present was Dan Weeks, vice-president of Revision Energy. Applicant NGP Management LLC, North Reading MA. Jim Clifford.

Jim Clifford said in the last couple of month a couple of issues have come up and he's done his best to resolve or mitigate them. For example, the landscaping around the solar array is now taller, 11 1/2 feet and the shrubbery is denser. Also, he said, someone raised the concern about the snowmobile trail going across the property. Mr. Clifford has contacted a member of the group (Hooper Hill Hoppers) and spoke with him about rerouting the snowmobile trail. This rerouted trail would enter at the same place as before but go to the north around the solar array and comes out at the same place as where the group usually crossed on Route 12. Mr. Clifford said that it seemed to work well for him and he'll continue to work with the group.

Mr. Clifford continued that he has presented some ideas that will benefit the schools and has some net-metering plans that might have some benefit for the users in town. He said he thought the project has come a long way into addressing these issues. He introduced Dan Weeks, vice president of Revision Energy. Mr. Weeks, a graduate of Con Val High School, is familiar with the Monadnock Region and considers it a leader in the state when it comes to sustainability. It was his first time before the board and the people of Walpole and he hoped to address any concerns they had. The main

points of his talk were about the benefits of solar energy, solar energy in New Hampshire compared to the other New England states, climate change and the effects of climate changes.

Mr. Weeks did a quick recap of the 6-acre site. He projected an overhead rendering of the array of the site showing full-screening on the Route 12 side of the project and substantial screening on the Upper Walpole side. He said that the chain-link fence, which no one seems to like, is required by the state of New Hampshire. The shrubbery used for screening will grow to 10 or 11 feet in this very visual area of the town and it will significantly hide the solar panels. This type of screen is a practice used throughout the country and the industry, with the fence inside and the shrubbery outside, the chain link fence would be barely visible. On the Upper Walpole Road the additional trees and evergreens will help to hide the fence from view.

Regarding the reflective aspect of the array, he said the panels have an anti-reflective coating making them less reflective than pavement or water. His company is building a similar array in size at the Keene Airport and the array is about 5,600 feet from the runway. The FAA said it is had zero reflective influence on pilots when landing the airplanes. Those aspects and the 30-percent green space threshold has been reached although the 30 percent greens space threshold doesn't apply to projects like this, he said. There is 17 to 20 feet of space between the rows of panels, which is the standard. The panels are 11 1/2 feet off the ground with local grass types underneath the panels. It is maintained, not like a lawn, but just so the grass is not too high. The land absorbs water and naturally channels it to filtration basins.

Why a solar array in a commercial district? While many of our solar arrays have been on agricultural land where they are usually never seen, land in remote areas usually can't accommodate a solar array of any size. The array does require three-phase utility service so as a practical matter more communities will be seeing solar installations in commercial districts. Regarding the snowmobile trail, there has been agreement on the rerouting of that trail. Finally regarding wildlife, while the fence does prevent humans from tampering with the equipment, the fencing is six inches off the ground so it allows small animals to go under the fencing. The intention is to disrupt the natural wildlife of the area as little as possible and it will be much like the vacant lot that is already there, Mr. Weeks said.

Looking ahead to the next decade, he projected.

New Hampshire imports 5 billion dollars a year of fossil fuel now. That number will increase depending on the number of sources of renewable energy.

Temperatures are expected to rise 10 to 12 degrees Fahrenheit by the end of the century.

What will happen to our ski and maple syrup industries?

101 Granite Staters die prematurely annually because of air pollution from the carbon pollution that comes from smoke stacks and air pollution.

Winter is 5.8 degree higher than a decade ago.

Expect more moisture and extreme weather that will impact our roads and other infrastructure.

The hope is to transition from fossil fuel-based energy to renewable sources. If as suggested by mid-century there is a 2 1/2 percent increase in solar energy, that would add 16,000 jobs.

Comparing New Hampshire with other New England states: NH has less than 1 percent of its electricity generated from solar. Vermont gets 15 percent of electricity from solar and 18 percent in Massachusetts.

The demand for non-fossil fuel electricity in New Hampshire currently comes mostly coming from biomass, which comes with its own problems, as well as some hydro and some solar. New Hampshire was next to last in terms of employment in solar jobs and last in solar being installed.

Proposed Dunkin project benefit to the region: Ten to 20 percent of energy generated will be use on site with the remaining net-metered under NH rules. A number of nearby sites – Shaw's, Tractor Supply, etc. – will be powered by the solar array, meaning lower electricity costs. Under the principles of energy science the electricity will flow to nearby places so that exchange rate will be about half, Weeks said. While the energy created at the site might not go directly to your home or business in Walpole, it will affect the bottom line. The benefit of solar in New Hampshire is that it does provide a subsidy to the grid generally by Liberty Utilities' buying power under the current structure to other power consumers, but not incur the transmission fee. Most of time our electricity is coming from a considerable distance and the public is paying for those transmission costs. By adopting a more local distribution, you reduce the transmission cost. Currently our rate is roughly a \$20 million region wide transmission fee. In order to go from fossil to solar fuel by mid-century it will require 2.5 percent more land. More solar installations would add 16,000 jobs.

The buyers propose to negotiate and reach out to the town and Fall Mountain School District to discuss and explore meaningful ways that will be mutually beneficial that can provide benefits to the town. Various pilot agreements can directly address using that electricity to power town facilities or Fall Mountain school buildings. There are a variety of ways we are thinking about discussing such as net metering and other projects. A lot of this is dependent on the tax agreement, which hasn't been determined yet, and is up to the Select Board.

Mr. Dalessio said given the size of the proposed solar array and information that's been given to the town, he is making a motion that this site plan be referred to the Zoning Board of Adjustment for a Special Exception because it is not a permitted use in a commercial district. The motion was seconded. Mr. Miller said he realized this has been brought up at the last minute, but since this is not a permitted use, it requires a special exception. He asked if there was any further discussion. Hearing from no one, he asked for a vote. Mr. Marcom said he was sorry that this matter didn't come up before ,but if it this is industrial, he felt we should do it. He also said he was in favor of the solar project.

Mr. Dalessio repeated that when you look at the size of the project and that most of energy is going off site, it really should be under industrial use. Mr. Miller said if you look at the criteria of a special exception, it's pretty straightforward. He thought the board is setting the right issue. The board still has time to make a decision. The impact is important. He apologized from not coming up with this first, but more information comes up when there are hearings.

The vote on the motion was approved by voice vote. No one voted to oppose the motion.

Old Business: Dunkin Site Plan: Public Hearing continued from June: Site Plan. Tax Map 12, Lot 56, Commercial District. Proposals for building 2,280 square-foot Dunkin' drive-thru plus 3,600 square-foot retail space; plus construct 4,729 square-foot retail space. Agent is TF Moran Inc. Presenter Jason Hill. Applicant is NGP Management LLC, North Reading MA. Jim Clifford.

Two issues of concern, architecture of the building and traffic/safety, were addressed next. Jason Hill of TFMoran discussed both subjects. He displayed a graphic of Route 12 showing a yellow striped area, which was a middle lane that begins at Pinnacle Lane and ends slightly past the Upper Walpole/Rt 12 road. He also referenced one of the safety studies created that evaluated crashes at the proposed site. The document was sent to NHDOT. The report was based on the Walpole Police Department Crash Data from 2015 to 2020. It included crash data for two intersections – North Meadow Plaza and Upper Walpole/Huntington Road. In the six-year period of data there were a total of 17 accidents at North Meadow Plaza and 12 at NH 12/Upper Walpole Road. There were 4 injuries at North Meadow Plaza and 2 injuries at NH12/Upper Walpole Road. There were no fatalities at either site. All were during the AM roadway peak (7am to 9 am).

In a letter dated July 15, 2021, the State of NH, Bureau of Highway Design reviewed the following materials relative to the proposed Dunkin and retail development at the corner of NH 12 and Upper Walpole Road and sent its memorandum to Frank Linnenbringer, who is the person in charge of District 4 NHDOT, the district in which Walpole is located. The review was of these two documents:

Traffic Impact and Access Study (TIAS) prepared by TF Moran Inc. dated, May 6, 2021
Intersection Crash Evaluation prepared by TF Moran Inc. dated June 21, 2021. (See paragraph above).

The Traffic Impact and Access Study was presented to the Board by Mr. Bob Duval of TF Moran at one of the initial meetings. The Intersection Crash Evaluation, referenced above, was sent to the members of the Planning Board. Mr. Hill pointed out that their final statement or evaluation on traffic says “We concur that the crash data provided does not indicate a high crash rate or crash severity at the existing intersections. The TWLTL (Two Way Left Turn Lane) or exclusive left turn lane should improve safety at these intersections by reducing potential for rear end crashes.” That TWLTL refers to the additional lane referenced above.

Mr. Hill said that the proposed additional lane in front of the site is basically a mitigation technique. It creates a two-way left-turn lane that begins at Pinnacle Lane and continues past Upper Walpole Road south where it tapers off. This can be done with the existing highway and it can be done by restriping the roadway. DOT still has to approve the final design phase of this mitigation plan and assess construction level plans. Their approval will complete the project.

Mr. Hill continued. Minor changes to the site plan recommended by DOT were realigning the driveway so it is opposite the Diamond Pizza driveway. That means shifting it south by 20 feet. Relocation of the Upper Walpole Road access was moved a few feet north from the intersection. Both these plans were submitted in black and white updates to the Board. This project will have to go back for a technical review process with DOT.

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Mr. Hill addressed the snowmobile trail and submitted a black-and-white plan showing where the trail was and where the trail will be. Now it bisects the property and crosses Route 12 at Edwards Lane. It is relocated to go around the perimeter of the solar array to the same crossing point as before. He offered to walk the trail with any of the board members. Mr. Miller said there was no problem here.

Mr. Marcom had some questions on the DOT report. On page one, Marcom referenced “the approval of the traffic data used in TIAS is still pending with Bureau of Traffic, but assuming that no significant revisions are required to the traffic data, we have the following comments:.” Mr. Marcom asked about the final review of DOT. Mr. Hill said he didn’t anticipate any changes. Before the process is started all the parameters of conducting the study are agreed to with DES. For example, scoping the area with DOT to make sure the collected information is on the right intersection. Also, that the data captures the amount of existing traffic with time and date, etc. Also, this data was adjusted for traffic flow because of Covid. The state came up with a formula for doing that.

Marcom referenced in the DOT report the Turn Lane Warrant section and “it was noted that a southbound left-turn lane on NH 12 was warranted for Saturday volumes but based on Warrant Analysis in Appendix L, both the 2032 Build PM Peak and Saturday Peak Volumes warrant the left-turn lane. We concur that a left-turn lane, or TWLTL, is warranted and should be constructed by the applicant.”

What is the tipping point for when that is warranted? Mr. Marcom asked. Mr. Hill said usually it depends on the number of left turns based on flow of traffic. Percentage of left-turn movements are based on stacking. Considered are gaps, speed limits and factors of flow. There is logarithmic chart that all this data goes into. This new left turn will benefit traffic traveling both north and south, Hill said.

Mr. Marcom asked if you were driving north and you want to turn into Huntington Lane, what does the driver do? Mr. Hill said at that point there is an intersection and the corridor has a pocket there where a car can wait until it’s safe to turn left or right. So to get onto Huntington Lane you would turn left. There is no median there, This increases the capacity of the lane at that point.

Mr. Marcom read the Intersection Crash Evaluation again. “We concur that crash data provided does not indicate a high crash rate or crash severity at the existing intersections. The TWLTL or exclusive left turn lane should improve safety at these intersections by reducing potential for rear end crashes.” He wanted to know what is the bar for crash rate. Mr. Hill, who mainly dealt with the site regarding water and sewer, wasn’t sure and said that would be a question for Mr. Duval, the traffic engineer. But he added that the statement was made knowing that there would be development at that site. He also referenced the Binder of the Traffic Study that was submitted to the town for more information.

Mr. Dalessio said that moving the driveway 20 feet south means it also reduces the line of sight from the crest coming from the south. Mr. Hill said but the line of site coming from the north was the preferred location for DOT. Also, changing the driveway and putting it across from Diamond Pizza’s driveway where there will be left-turns exiting from both places makes it easier to accommodate cars

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coming from both sides of the road and facing one another. Moving the driveway south avoids that left-turn conflict.

Ms. Andros wondered about the traffic number of cars coming to this Dunkin' as opposed to the number of people going to the one in the gas station now. Is it going to be more people? Mr. Hill said in calculating the number of estimated trips, they considered both Dunkin's together as if they were working together. But the square footage at the new location is much higher than at the gas station Dunkin' so it has a higher trip generation.

Mr. Hill said the trip calculation is not based on the number of stores, it is based on the total square footage of the retail space. Mr. Dalessio asked what happens if four more high volume stores go in there. Mr Hill repeated that the number of trips is based on a typical strip mall size where there are three or four stores. The common denominator at the site is 8,700 square feet. What if a restaurant went in there? Mr. Dalessio asked. Mr. Hill said it would violate the land-use category and any change would require a new driveway permit and it would have to go back to the Planning Board and DOT. Change of land use requires an amendment to the driveway permit. It would have to be reanalyzed.

Architect Steven Born displayed a rendering of the updated look of the front facade or retail plaza. At the last meeting Mr. Born said there were comments made by the board and audience and he took the comments to heart and has incorporated them into this update. The footprint is the same and Dunkin' still occupies the 2,280 square feet of space at the north end. The height of the peak above the Dunkin' sign is higher and wider than at the peaks at the other retail spaces. That's because it's the anchor store of the group of stores, Born said. The columns are larger and more prominent. The number of stores here is dependent upon future tenants, but this drawing maximizes tenant space. There is clapboard siding and asphalt shingle roof. The roof on the Dunkin' side of the building goes from front to back and is highlighted by a cupola. There is a change in height of the canopy that was 7 feet but now is 9 feet and the look pulls the sides in to make it bigger and steeper.

Someone asked about a street sign. Signs are under the purview of the Zoning Board of Adjustment and need to be presented to that Board.

Ms. Mansouri said that Mr. Hill said the traffic was based on 35 miles per hour. Mr. Hill said he said that traffic speed is posted at 35 miles per hour. He said he knew people often speed though this area faster than what is posted, but that fact was included in the traffic study. Ms. Mansouri said she's driven that area many times when the cars go as much as 60 to 65 miles per hour.

Someone asked about how many stores would there be. Mr. Born said he was not able to say because he didn't know who is interested. Someone could say he wanted to use the entire space. Or maybe someone is interested in a smaller space say 1,200 or 1,600 square feet.

Someone else referenced the topographical view of the entire site from an overhead perspective. That person asked where would the parking spaces be and how many parking space would there be. Mr.

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Hill said that there is parking between the building and Route 12. Mr. Hill said parking spaces are also determined on the square footage of the retail space. The Town of Walpole doesn't specify but the rule is typically 250 feet of retail space for one parked car. So if one divided 250 into 8,700 square feet, that would equate to 40-plus spaces. Mr. Hill added that there is a dedicated lane for the drive-thru as well as a passing lane both out to Route 12 and Upper Walpole Road. Regarding the Dunkin' lane there are 13 spaces with room for an extra 2 or 3 cars, making that 15 to 16 space. There is also dedicated space for deliveries.

Mr. Miller said, "We've had a couple of months with a lot of information and a lot of input. It's time to move forward with a decision. I'm coming at this that it is commercial land and I appreciate all the time and energy put into this potential development of this area. But one of the first questions everyone has to ask themselves is about safety. Having lived in town my whole life, I know that this area is not the safest and you have to be very careful and going through this left lane addition will only exacerbate a bad problem. I couldn't get my head wrapped around that this is going to be a safe commercial enterprise on Route 12. I think it's going to have a detrimental impact to the safety of Walpole - residents getting their groceries. When we first started this process, one of the first persons to speak was an abutter who has lived here more than 30-plus years and experienced her life there and I asked if I could forward her letter to the Department of Transportation and she said yes. So I forwarded it on to the NH Department of Transportation in Swanzey. He did respond and I appreciate his response but something that hit me, as you go through this process, is that the state can obviously give approval after certain conditions have been met. But NHDOT is somewhat bound by legislation to allow private cuts on Route 12. We saw this with Shaw's and with La Valley's, all this expansion is all approved and yet we have a tenable situation here. I just go back to my conscience. I'm probably going to live here hopefully for the rest of my life. And I want to be clear that this thing won't happen, it is a bad situation and it's going to get worse. And I don't want to have be responsible with it going forward. We went along with the state process but it goes against the safety of the local people. So I'm really apprehensive about moving forward."

Mr. Dalessio said that for me, the high priority for the Planning Board is safety. I think you've done a lot work with New Hampshire DOT and I think that the reality is that I don't think it's going to be safe. I think there's a better way to lay out that site to make it better. And I hope that you think about that."

Mr. Marcom said "I agree with Mr. Miller and Mr. Dalessio that safety is the highest priority, but the decision on the safety of this project is properly within the purview of DOT." He liked the architectural update. It is a much better plan, he said. He was happier with the steeper roof pitch, which is more traditional, the clapboard, the cupola and roof line. "I think it's a significant improvement. I would vote and am making a motion in favor of this project on condition that the revisions to the road get approval from the Department of Transportation." Mr. MacLachlan seconded the motion.

Ms. Andros asked about what was the condition from DOT. Mr Marcom read from Mr. Butler's letter. "Access is proposed via two full access driveways: one located on NH 12/123 and one located on Upper Walpole Road. Review and approval of the traffic data using the TIAS is still pending with

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Bureau of Traffic, but assuming that no significant revisions are required to the traffic data, we have the following comments.” That means, Marcom said, that they are looking at the micro details of the traffic study and it’s pending approval of that.

Mr. Miller said that’s the type of condition that happens all the time. said.

Ms. Andros asked what happens then. Mr. Miller said, “We notify them they have conditional approval.”

Mr. Miller called for a vote. Board members raised their hands. Nays were Miller, Dalessio, Andros. Yeas were Marcom, Carmody, MacLachlan. Three to three. Mr. Miller said we have a dilemma. The Board needs a positive motion to move forward. Mr. Miller said he was going on to new.

Michael Atkins, an attorney from Peterborough, was at the meeting representing NGP Management and its solar application for this site plan. The lawyer asked Mr. Dalessio on what information did you base your change of mind about this.

Mr. Dalessio it was related to a question about a petition on the warrant that the Board was asking its their attorney. It regarded the size of the array and the fact that 85 percent of the energy is being sent back to the grid.

Did you get counsel on this? Mr. Atkins asked. It was referred to by counsel, Mr. Dalessio said. Mr. Atkins asked who was the town’s counsel and Mr. Miller replied Jeremy Hockensmith.

Mr. Miller said he appreciated everyone’s input. The Board had enough information and the information was very well present tonight and we await the decision of the Zoning Board.

New Business:

ZBA Board members request public hearing to add two sign ordinances to Walpole Ordinances.

Ms. Jan Leclerc, Chair of the Walpole Zoning Board, said that Zoning Board has prepared two amendments to the zoning ordinance. Both regard signs. She would like to have a public hearing next month so the Board can present them to the town next March. She said that last year the Zoning Board had a brief discussion with the Planning Board about feather fabric sign in the commercial district. They were asked to get a Select Board opinion and the Select Board thought they should be addressed specifically in an ordinance. So one ordinance has to do with feather flags. The other is a definition of temporary signs, which at this time aren’t specified in the ordinance. So, Ms. Leclerc said, technically they are not allowed.

Here is what would be presented. Signage for proposed article on 2022 warrant.

Current ordinance

Article IV, D 3. Limitations

No sign of any type shall be designed or be placed in such a position as to create a hazardous condition by way of 1) obscuring a clear view of, or interfering with, vehicular or pedestrian traffic, or 2) similarity with official street signs or signals. All signs permitted under this section shall be constructed of durable materials, affixed to a building or the ground, and shall be maintained in good condition and repair at all times.

Oscillating, rotating, flashing, neon or other tubular gas signs are not permitted except when used for public safety purposes by a governmental entity.

Two amendments to the sign ordinance needing approval from Planning Board.

No 1 replaces a paragraph in an already approved ordinance and No. 2 is a new ordinance.

No. 1 Article IV

D. Signs.

3. Limitations

Replace final paragraph with the following.

Inflatable signs; wind-activated signs like feather flags; oscillating, rotating, flashing, neon or other tubular gas signs; or signs with blinking, changing or moving illumination are not permitted. These prohibitions do not apply to signs used for safety purposes by a government entity.

No. 2 This will be added to the ordinance and will be Article No. IV General Provisions, D. Signs, No. 9, and ordinance Special Exceptions will move to No. 10.

Temporary Signs

A temporary sign is any sign not permanently attached to the ground, a wall or a building that is intended to be displayed for a short to limited amount of time.

Examples of temporary signs include announcement signs; real estate signs; community or civic event signs; political campaign signs pursuant to RSA 66d4; garage or yard signs or signs for other special events that occur for a limited period of time.

All temporary signs shall be removed within ten (10) days following the event or activity being promoted.

Mr. Dalessio made a motion to hold a public hearing next month on amendments to the sign ordinance. Ms. Andros seconded the motion and the motion carried.

Mr. Miller asked that there also be a public hearing for the three sections of the Master Plan that have been updated. The sections are Implementation Plan, Population and Housing and Transportation. He will call Senior Planner Lisa Murphy at Southwest Regional Planning Commission, who supervised the update, to make sure she could make the hearing. Mr. Marcom made a motion to have hearing to

approve three updated sections to the Master Plan. Ms. Andros seconded the motion and the motion carried.

Mr. Marcom made a motion to adjourn. Ms. Andros seconded the motion and the motion carried.

Respectfully submitted,
Marilou Blaine

Posted: Inside the Town Offices, on the bulletin board outside the Post Office and on the website:
www.walpolenh.us

Copies: WPB, ZBA, Town Offices, The Walpolean

Next meeting Tuesday, September 14, 2021