

**Walpole Zoning Board of Adjustment  
Workshop Minutes  
October 5, 2021  
Town Hall  
7 pm**

**Present:** Board members Chair Jan Leclerc, Vice-chair Myra Mansouri, Clerk Tom Murray, Ernie Vose, Pauline Barnes. Alternates: Judy Trow and Dave Edkins. Absents: Alternate Don Sellarole.

The meeting started at 7 pm.

**New Business:**

**Expansion of a Non-Conforming Use:** Chair Leclerc presented an application for an Expansion of a Non-Conforming Use for her daughter, Jennifer Jones. The home was built in 1962 before a zoning ordinance was adopted. Her daughter is requesting a public hearing for an Expansion of a Non-Conforming Use for a 14-foot-by-24-foot two-story addition on the west side of the house for a dining room and a bedroom at 15 Ford Ave. Tax Map 19, Lot 9, Residential B. The addition is 57 feet from the center of the road, not 65 feet. but has all the proper 20-foot setbacks on the side and rear, Ms. Leclerc said. The roof line will be continued and there will a dormer off the back on the second floor. After a presentation to the rest of the Board, Mr. Vose made a motion to hold a public hearing for the application. Mr. Murray seconded the motion and the motion carried.

**Purpose of workshop.** In September, Ms. Leclerc presented two amendments to the Planning Board to be approved and then, if approved, presented to the public on the March 2022 warrant. Select Board Representative Steve Dalessio immediately asked about putting out a sign with the word “Open” on it. And what about the American flag? he asked. Is that wind activated? Mr. Perron pointed out that the words “wind-activated” was a problem. So the Planning Board suggested continuing the meeting to the next month - October. The goal of this workshop meeting was to discuss feather flags and reword the amendments, go back to the Planning Board, attend its regular October meeting and present any changes.

As promised at the meeting, Mr. Dalessio sent a suggestion for an ordinance to the Zoning Board regarding flags and signs. It says “Under this chapter of the ordinance, a flag is defined as a sign that is supported on one side by a ridged member and whose construction is such that causes its motion to be random. Flags which are mounted on (a) vertical pole greater than 14 feet and has a means of being raised or lowered are exempt from this ordinance. All flags are to be considered temporary signs.”

Mr. Edkins said it is not in the purview of the Zoning Board to be writing ordinances, the Planning Board should be doing that. Why is the Select Board asking the Zoning Board to write an ordinance? The Zoning Board is an appeals board. The Planning Board is a regulatory board. The Zoning Board interprets regulations, it doesn't make regulations. The Planning Board should be the board writing ordinances. Ms. Leclerc said traditionally Planning Boards write ordinances but we mistakenly got involved in a feather flag dispute after a person came to a regular meeting of the Zoning Board and the board got involved in a feather flag discussion and subsequently wrote a letter to the Select Board. Ms. Leclerc checked with the New Hampshire Municipal Association, which said the Zoning Board was allowed to write an ordinance, Ms. Leclerc said.

Sources used in the discussion of the amendments were:

A Select Board letter to Ms. Leclerc responding to a written request from the Zoning Board of Adjustment explaining why the Select Board would not enforce the Zoning Board's request to write a letter to Jiffy Mart asking to remove several feather flags from along Route 12. The Select Board letter said, “Consequently, in multiple conversations, we agreed that rather than writing a letter asking Jiffy Mart to move its feather flags further away from the road, avoiding the issue,

which is really that we do not want to permit feather flags, we suggest the ZBA prepare an amendment to the sign ordinances in commercial zones to prohibit feather flags, as well as define temporary signs. .... We will support your efforts in amending the ordinances.”

Two documents from the New Hampshire Municipal Association titled:  
“The First Amendment and Your Town’s Sign Regulations”  
“Municipal Sign Ordinances after Reed v. Town of Gilbert Do’s & Don’ts.”

Some of the points brought up during the discussion were:

The ZBA cannot determine what a sign says.

Political signs are within the purview of the state, not the town.

Add “may include but are not restricted to” to the temporary sign amendment, which means that we are not covering content.

The board was asked to cover feather flags, so how do flags in general pertain to the ordinance?

You can’t say American flags are exempt.

Someone on the Planning Board suggested just saying “feather flags” and drop the wind-activated.

Oscillating and rotating are pretty similar to wind-activated. And it’s already in the ordinance.

The board can’t dictate what a person puts on a sign, even the word “open.”

Mr. Edkins thought the biggest problem with signs right now were “trash signs” or signs that said things like “We’re Hiring.” They are all over the state and people put these signs up and then they don’t remove the signs, he said. They become litter. Mr. Edkins referred to few local companies. His house is across from the triangle at the end of Main Street and during a political contest, that area is covered, Mr. Edkins said. Ms. Leclerc said they are supposed to have permission of the owner of the property before putting up a sign.

Ms. Barnes suggested the Select Board make a list with telephone numbers of trash signs and they should enforce it. One round of calls from the Select Board might be a gentle nudge that might work.

Ms. Leclerc said when she and Ms. Mansouri went to the Select Board and brought up the issue of feather flags never coming before the Zoning Board, it didn’t seem to make any difference. I don’t now why that aspect of the ordinance is not important. All businesses in commercial zone are supposed to come before the Zoning Board before putting up a sign. Article IV section D.2 says “All new non-residential sign **require** review by the Zoning Board of Adjustment (ZBA), for compliance with the ordinance only.” Trash sign both should theoretically come before this board if they are in the business or commercial district.

After a lengthy discussion with everyone on the board either making a recommendation or suggestion on feather flags and temporary signs, the Board agreed and voted to change the wording in both amendments. In amendment No.1, the words “wind-activated signs like” will be removed. In amendment No. 2, in the seconded paragraph the words “may include but are not restricted to” will be inserted.

Amendment No. 1 will now read:

“Inflatable signs, 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.

Amendment No. 2 will now read:

### 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 **may include but are not restricted to** announcement signs;

real estate signs; community or civic event signs; political campaign signs pursuant to RSA 664; 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.

The changes in amendments will be sent to Planning Board members and the public hearing on amendments will be continued at the October 12<sup>th</sup> meeting.

**Educate the public on zoning ordinances.**

Ms. Leclerc has said often and she stated it at the September Planning Board meeting that all signs in the commercial district need Zoning Board approval, but over and over that is not happening. Ms. Trow suggested the board should educate the public and take one part of the zoning ordinance and explain it and ask the editor of The Walpole Clarion if the article could appear in print. Instead Ms. Barnes suggested an article on the responsibilities of the Zoning Board of Adjustment be the focus of the article. Both Ms. Barnes and Ms. Mansouri volunteered to write an article.

**Gravel Inspection Assignments.**

RSA 155-E requires a town board to inspect gravel pits yearly. In the past few years it has been done by the Zoning Board of Adjustment during the fall months and before daylight savings time ends. This year the assignments are:

Hodgkin: Old Drewsville Road – Tom Murray and Dave Edkins

Eurovia: Cold River Materials – Jan Leclerc and Myra Mansouri

Tim Graves; Wentworth Road – Judy Trow and Pauline Barnes

Industrial Park: now owned by Cold River Bridges – Ernie Vose. In an email from Sarah Downing she said the excavation intent was closed out on 8/10/2020. Cold River Bridges did not file an intent to finish out last year and haven't filed an intent to excavate this year.

Ms. Mansouri made a motion to adjourn. Mr. Vose seconded the motion and the motion carried.

Respectfully submitted,  
Marilou Blaine  
ZBA Secretary

cc: ZBA, WPB, Town Offices, The Walpolean

Posted: Inside Town Hall, on the bulletin board outside the Post Office, [www.walpolenh.us](http://www.walpolenh.us)

**Next regular meeting October 20, 2021.**