

Walpole Planning Board Minutes
Tuesday, February 8, 2022
Town Hall
7 pm

Roll Call: Present were board members Chair Jeff Miller, Vice-Chair Dennis Marcom, Clerk Jason Perron, Jeff Harrington, Bill Carmody, Select Board Representative Steve Dalessio and alternate Trevor MacLachlan. Board member Joanna Andros and alternate Travis Adams were absent. Also present were Amanda Raney, who was on the agenda to talk about the day care center in Maplewood Circle, and ZBA board members Myra Mansouri and Tom Murray.

Recording: Secretary Marilou Blaine. **Meeting minutes are recorded. These minutes are unapproved and will be reviewed at the March 2022 meeting for corrections, additions and/or omissions.**

Meeting coming to order: Mr. Miller called the meeting to order at 7 pm.

Minutes: There were two corrections to the minutes on page 3. Third paragraph from the bottom, Mr Perron made the statements about the “affected party,” not Mr. Adams. Thank you Mr. Adams for mentioning this in your email. In the sixth paragraph change “us” to “use”. The statement should read “Mr. Marcom said sections 4 and 5 refer to intensification of use.” Mr. Marcom made a motion to approve the minutes as amended. Mr. Harrington seconded the motion and the motion carried.

New Business:

Heather Green, Program Manager, Vegetation and Inspection, for Liberty Utilities, was at the December meeting regarding routine maintenance of Walpole’s two scenic roads, Farnum Road and Old Drewsville Road. That was approved. Recently Ms. Green sent Mr. Miller an email requesting a public hearing for March 8th for further tree removal on Farnum Road. Liberty Utilities is replacing the poles along that road for taller poles and there will be some tree removal around these poles. Liberty Utilities needs Planning Board approval.

The motion was made and seconded to hold a public hearing in March for Liberty Utilities to do additional tree work on Farnum Road. The motion carried.

Site plan for day care center:

Mr. Miller said that at the last regular meeting (January 2022) he was charged with calling Ms. Jenny Plante to ask her to submit a site plan for her day care center on Maplewood Circle. Mr. Plante originally said yes, Mr. Miller said, but then on advise of counsel, she said no.

Ms. Amanda Raney, an abutter to the Home Away from Home day care center who has raised some concerns, said she wanted to know what the next step will be. And in all due respect, she said to Mr. Miller, that “I do feel that you should step aside because this is personal and I don’t think I’m being heard.” She felt that at the last meeting that most people on the board wanted the site plan.

Mr. Miller said this (his recusing himself) is up to the board. In addition, regarding the question

of the site plan, it's a unique situation.

Mr. Marcom said there is some stuff about this that I don't understand, but regarding a hearing or having a say, it was the intention of the board that there would be a site plan review and at that point, the abutters have an opportunity, as well as the applicant, to say whatever they want to say. So he thought it would be at that point that Ms. Raney could speak up. Mr. Marcom wasn't quite sure the board can compel a person to apply and he would be interested in looking for legal advice. Mr. Miller mentioned getting information from town counsel, Jeremy Hockensmith, because it's going to go to the lawyers anyway. So, if the board wants, he will consult with Mr. Hockensmith and give him the information that we have. This will clear things up and give us a solution.

Mr. Perron said he wasn't exactly sure what constitutes a site plan review, even if we go to affected parties.

Mr. Miller said one criterion is non residential development worth \$10,000 of renovations and theoretically a question if it's a commercial business. There's no change in footprint. Here we have a business that's been operating for 13 years, it got approval for the zoning board. And everything was going along fine. Where does a site plan kick in?

Mr. Dalessio said but there were two other reasons that Dennis mentioned last week that apply.

(In last month's minutes Mr. Marcom went to the Site Plan Regulations and Scope of View on page 3 of the regulations and cited number 4 and 5 that pertains to this matter.

4. If the proposal involves expansion of a building or intensification of use that would result in a change in traffic volume or patterns in the area, noise, parking, lighting, etc.

5. If the proposal involves a property that has never received Site Plan Review from the Planning Board for previous non-residential or multi-family use.)

Mr. Dalessio continued, "The matter is whether the business changed in intensity from 2008 to now in 2020 and 2021." There was no site plan in 2008, which personally he thought was a mistake, and now you have problem with a potential issue with a business that didn't have a site plan. It could violate the current site plan. Mr. Dalessio agreed that going to town counsel is the right thing to do now.

Mr. Dalessio asked if the zoning board issued a special exception. The answer was no because the day care center didn't need one. It was a permitted use in a commercial zone. In a previous meeting and in Ms. Plante's letter that was distributed to the board prior to the January meeting, it was mentioned that the reason the day care center went to the zoning board was so they could fulfill a state requirement that the owner get approval from the zoning board in order to apply for a license from the state.

Mr. Perron asked Ms. Raney if when she started having issues, did you go to the Select Board? Ms. Raney replied yes. She went to the Select Board and Planning and Zoning Boards. She added that since the last meeting they are going right back to the way they were

before, parking on the street. “This place is my home, you need to realize this is where I live, I raise my kids here. It’s a neighborhood. I want a site review, I want a site plan and I want it, in writing, no more parking in the street. She’s running a business. Anybody in New Hampshire that is starting a new business has to follow the rules.”

Mr. Perron responded that if an area is zoned business and it’s permitted and the business is not putting \$10,000 into the building, they are not required to have a site plan.

Ms. Raney said she is just growing her business. She had an event on Jan. 3rd to hire more people.

Ms. Mansouri said the first 250 feet from Lower Main Street are commercial and you can have a business. Looking at zoning ordinance in 2007 one of the requirements for a business is that you have off-street parking for your employees.

Mr. MacLachlan asked what is the \$10,000 trigger. Mr. Miller answered when it was initiated at a town meeting it was voted to give authorization for site plan review and an arbitrary number was made up by then Selectman Jim Hogan. It’s for an expansion to a business. It’s not for something minor, such as a little shed. Nothing that doesn’t require a building permit.

Mr. MacLachlan asked would the expansion of land be included. The day care center is using it for parking. Mr. Miller said he didn’t know if that would constitute an expansion. That’s a good question for Jeremy. Mr. Miller said he thinks this is good for both sides. It’s an independent view and justification for our next step.

Mr. Harrington said something on intensification would be another good topic for town counsel.

Mr. Carmody asked Ms. Raney, “if there was no parking on the road, would that solve your problem?” Ms. Raney said I would need them to agree there would be no parking on the road in all seasons. She reiterated that she wanted Mr. Miller to step aside. “He is super biased,” she said.

Mr. Dalessio said he asked the police to go there and they said there wasn’t a problem. Emergency vehicles could by. Mr. Carmody mentioned seeing many cars there, on the road.

Ms. Raney said come springtime she wanted the dumpster moved. She want things done that were agreed to.

Mr. Perron said he was sorry but it is zoned for this type of business. It is not purely a residential neighborhood.

Mr. Murray asked if the garage was there when she purchased the property. The answer was yes.

Workshop and Zoom

Ms. Andros has not been attending meeting because of her concerns on getting Covid and

has repeatedly asked to have Zoom meeting or hybrid meeting where board members can attend if they felt safe and zoom meeting for board members concerned about getting Covid. Mr. Adams did not attend this meeting because, in an email, he said on the weekend he was with a friend who now has Covid.

Mr. Dalessio said in a hybrid meeting there needs to be a majority or quorum of the board that needs to be at the meeting live. Others may attend remotely. State law does not allow fully remote meetings. There are certain risks that the board would have to recognize if they choose to go fully remote. The secretary asked about Select Board meetings, which are currently only on Zoom. Mr. Dalessio said, "if you choose to have a totally virtual meeting, it is illegal. "We assumed the risks." He added that the board had checked with counsel about this matter.

It does require hiring someone to do the technical stuff, Mr. Dalessio said. Mr. Miller asked who does it? Mr. Dalessio advised him to call Jodi Daigle at the Town Offices. The Zoning Board of Adjustment's Zoom technician is Jeremiah Phaneuf. Other boards have used Kara Dexter.

Workshop

Mr. Miller will contact Lisa Murphy at Southwest Regional Planning Commission to see if she can attend a workshop this month on the Land Analysis section of the Master Plan and the secretary will inform the board.

March agenda

Mr. Perron mentioned that the owner of Spencer's would like to be put on the March agenda to discuss outdoor dining and parking. The secretary will add it to the March agenda.

Adjournment

A motion was made to adjourn the meeting. Mr. Perron seconded the motion and the motion carried.

Respectfully submitted,
Marilou Blaine
Recording Secretary

cc: WPB, ZBA, Town Offices.

Posted: Inside Town Hall, outside Post Office, town website www.walpolenh.us