

**Walpole Planning Board Minutes**  
**Tuesday, January 11, 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 Alternates Trevor MacLachlan and Travis Adams. Board member Joanna Andros was absent. Mr. Miller asked the board's new alternate member, Travis Adams, to sit in for her.

Also present were Zoning Board of Adjustment Chair Jan Leclerc, Vice-Chair Myra Mansouri and an abutter of the day care center in Maplewood Circle, Amanda Raney.

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

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

**Minutes:** Mr. Harrington had a question about a sentence in the second paragraph on page two. The second sentence reads "Currently removals located along single-phase construction are being deferred." He wanted to know what the sentence meant. Mr. Marcom said he thought single-phase referred to single-phase power. There being no other questions Mr. Marcom made a motion to approve the minutes as amended, Mr. Perron seconded the motion and the motion carried.

**Recommendation for a Special Exception:** Chris Lakin is interested in purchasing a building at 455 March Hill Road for an auto detailing business. Tax Map 11, Lot 54, rural/agricultural district. It is a commercial enterprise in a rural/ag district. Ordinance Article VIII, C Special Exceptions.

Mr. Lakin did not attend the meeting.

**Discussion of day care center in Maplewood Circle, Home Away From Home. Commercial District.**

For the last couple of months the Zoning Board of Adjustment has been discussing the day care center in Maplewood Circle because there was a complaint from an abutter about too many cars parked in the road making it difficult for her to get in and out of her driveway.

Mr. Miller said he received an emailed letter from the owner of the children's day care facility and noted that the Select Board has also been discussing this matter. The letter and Select Board minutes, as well as the original minutes approving the day care facility, were sent to Planning Board members. Mr. Miller then asked Mr. Dalessio, the Select Board representative, if he wanted to comment. Mr. Dalessio said there has been discussion with the owner of the day care center and an abutter. The business has more than doubled in size since 2008, when it opened, and at that time there was no site plan. But since the business has increased in size, it seemed appropriate to bring it to the Planning Board to see if there is indeed a need for a site plan.

Mr. Miller added that the information he received is that it is in a commercial zone. The owner has not changed the footprint of any building and her state license is for 27 children. The owner told Mr. Miller that the information that has been circulating that she is not abiding by her occupancy capacity is not accurate and could be a danger to her business. Mr. Miller said he had two grandchildren that

attend the day care center and they've been there for a couple of years. "As I've gone to pick them up, I've never seen a problem," he said. "Sometimes it gets busy but it's over in two or three minutes." He has been there several times and it is very much open. According to my personal knowledgeable, Mr. Miller said, it's nothing. Usually with a site plan you have to have changed the footprint. Now that she is aware of the situation, she has recognized that there could be a problem eventually so she is doing everything to accommodate the neighborhood. Administratively Mr. Miller didn't think there was any reason to have a site plan now.

Mr. MacLachlan said what he noticed was that since 2008 there has been an increase of the staff. Before it was a couple of employees, one to 3, and now it's one to 6.

Mr. Carmody said that from his experience a business should have a place for all the employees to park.

Mr. Miller said the owner recently designated a place on the property for employee parking. In the original document it said the driveway would be used. But it's been part of one of the playgrounds.

Ms. Leclerc said in 2008 Ms. Plante said she was licensed for 27 but she also said she had 18 children and during the summer there might be 24. She might have 27 but she has 45 children registered and up to 24 to 27 every day. Now while her license hasn't changed, the number of children she has there every day has nearly doubled. At any one time she has up to 6 employees as to when in 2008 she up to 2. So she didn't get a different permit, but she did grow her business and she purchased the lot next door. The amount of children and the parking are the problem and the parking has been on the street. The area where the children are dropped off and picked up, as well as the employees, that's something Ms. Leclerc thought the planning board ought to consider since it's part of a site plan.

Mr. Miller said, "the parking now is off street and in the last four years in my personal opinion there hasn't been a problem."

Ms. Leclerc said she didn't need a special exception or a site plan review when she came to the zoning board in 2008 because it was considered a home business size operation. But with the changed increasing number of children, as well as now using the house and garage for the children and adding to the size of the property, that changing a lot of things. She originally proposed parking for employees and picking up children with the use of the driveway, which she didn't use. Because it's in the commercial district, Ms. Leclerc thought that the Planning Board ought to take a look at the operation. She didn't need a special exception or a site plan when she came first came to the zoning board. But she did need zoning board approval to get her license and it not the same as it was in 2008, it's much larger. If she said at the time everyone was going to park in the road, she would never have gotten approval.

Mr. Miller said, "They are not parking in the street."

Ms. Leclerc said, "No, but what's is there to stop them from going back to that next week if nobody says anything."

Mr. Perron said normally there should be some kind of change of use. But he doesn't see it in this situation.

Mr. Marcom said he had been thinking about this a lot and looking at the criteria for requiring a site plan. He went to the Site Plan Scope of View on page 3. This section cites the reasons for a site plan.

1. If the proposal involves new construction of non-residential or multi-family development.
2. If the proposal involves a change of use category, e.g., from residential to commercial or from single family to multi-family or change of use within the same category.
3. If the proposal involves external modifications or construction including parking lots (except for single family or duplex housing).
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. Marcom said sections 4 and 5 refer to intensification of use that result in traffic volume or patterns and if the proposal involves a proper site plan that has never received Site Plan review from the Planning Board for non-residential use. Mr. Marcom said since there is an increase in number of children attending, there is more traffic and the site has never been reviewed by the Planning Board, these seem to apply to this situation. It has intensified.

Mr. Miller said, "they are working within the same footprint as when they started."

But there is a change in volume of traffic to the area, Mr. Marcom said.

That's what started all this, Mr. Dalessio said.

We do have an abutter here, Ms. Leclerc said.

Another board member said he hadn't been following it but based on what he read in the 2008 minutes and what was described as the number of kids going there now, it's intensified.

Ms. Mansouri said, the day care center is in a commercial district and you need onsite parking for all your employees.

Mr. Carmody said in the last six weeks there's been a lot of rain so parking on the grass may have been difficult. It was suggested that maybe putting some like gravel on the grass would make it less muddy.

What are we trying accomplish here? Mr. Harrington asked. Mr. Marcom answered we're trying to decide if there should be a site plan of the day care center.

Mr. Adams said it mentions the affected party. Who is the affected party here? Is it the Select Board?

Mr. Dalessio said as far as the Select Board's position is is that the business has intensified since 2008. There has been parking in the right-of-way on the road side. He's driven by there a number of times and it's always been that way. Parking is a question. Employee parking has been on the roadside. He thinks the Planning Board should take this up.

Mr. Miller said he will call Jenny Plante, the owner of the day care facility, to see if she wants to come in for a site plan.

Mr. Marcom asked if the board needed to vote on it. Mr. Miller said no.

**Copy of Recommendation for a Special Exception and the web site.**

Mr. Marcom said he noticed that the copy of the Application for a Recommendation for a Special Exception in a rural/ag district that was sent to the Board by the secretary and was different than the copy of the web site. Also, on page 2, it says to go to page 4. There was no page 4.

The secretary said she had printed out a copy of the application just that afternoon and that page 4 had the criteria on it. She read the first criterion. "Criterion # 1: Property currently zoned for industrial, manufacturing and commercial operations is either unavailable or inadequate for the proposed use."

Then Mr. MacLachlan showed the secretary his copy and the number 4 was at the top of the page and on the original the number was at the bottom. His printer had moved the page over one page. Mr. Dalessio called it a formatting problem.

Ms. Leclerc asked how do you put it on the website. Mr. Dalessio said send it to Sarah Downing and she will send it to the person who does that for the town.

**Criterion # 2:** The proposed use is appropriate and consistent with the Town's Master Plan.

**Workshop:**

Mr. Miller said he would contact Lisa Murphy and check and see if she could come this month or next to work on the Master Plan. He would then let them know the results.

**Site Plan**

Mr. Miller told Ms. Raney that there would probably be a public hearing in March and she would get, as an abutter, a certified letter inviting her to the meeting.

Adjournment

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

Respectfully submitted,  
Marilou Blaine

cc: WPB, ZBA, Town Offices, The Walpolean.

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