

Walpole Planning Board Meeting Minutes
November 8, 2022
Town Hall – Second Floor
7 pm

Present: Chair Jeff Miller, Vice-Chair Dennis Marcom, Clerk Jason Perron, Joanna Andros, Bill Carmody, Select Board Representative Steve Dalessio, alternate Travis Adams. Absent: Jeff Harrington and Trevor MacLachlan. Others at the meeting were Ray Boas, Surveyor Joe DiBernardo, Tom Winmill, Chad Branon from Fieldstone Land Consultants and Michael Atkins, an attorney from Peterborough, was at the meeting representing NGP Management and Dunkin.

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

Call to order: Mr. Miller called the meeting to order at 7 pm. He asked Mr. Adams to sit in for the absent board member and Mr. Adams agreed.

Minutes: Mr. Marcom made a motion to approve the minutes as written. Mr. Perron seconded the motion and the motion carried.

Old Business: Fieldstone Land Consultants will present the final site plan for the Dunkin - Tax Map 12, Lot 13-3, Route 12. Civil Engineer Chad Branon was the presenter.

Mr. Branon began by pointing out on the plat a dedicated slip lane turning into the Dunkin property. To the east of the property is Avanru Development Unit 2C. To the south is a pond and wetlands area. Across the street is a farm stand and farmland. To the north is Dollar General. The land is known as and recorded as Lot 13-3, Condo Unit 2A. It is 1.42 acres.

Mr. Branon said Customers will drive in and may go into the parking lot for the restaurant. There are about 20 parking spaces with two dedicated to handicap drivers. Another parking area is in the southeast corner with eight parking spaces for employees. The restaurant has seating for 20 people, restrooms and an ordering/pickup area. The location of the parking lot restaurant will allow people to not have to come back to Route 12 but customers may leave via Red Barn Lane. The important thing, Mr. Branon said, is that Dunkin has access from Route 12 and Red Barn Lane.

If you do not choose to go to the restaurant, there is a perimeter driveway around the building to the driver-thru, which is at the rear or north end of the building. From there customers may go out onto Route 12 or go around the perimeter road to Red Barn Lane. The dumpster in the rear of the building will be enclosed and screened. One propane tank is proposed on the back side of the building where the dumpster is. Lighting will be downward and there will be plenty of vegetation around the building as well as by the parking lot, pond and green space. Mr. Branon named a number of plants – red maple, hydrangea, lilac. Signage will consist of STOP, Do Not Enter, and handicap signs as well as arrows.

DOT wanted two access points and there are two – Route 12 and Red Barn Lane, Branon repeated. Fieldstone worked with DOT to address turning into the site and leaving from Red Barn Lane. There is also a sidewalk in front of the building. The entire area will not be paved. There is a retention basin above the pumping station that will be built and it will have a spillway. Sewer and water are along the

north side of the building. Stormwater will go to the pond; culverts will be placed in the area going out to Red Barn Lane. Fieldstone still has to get a letter from the fire chief and water and sewer department.

Branon submitted a letter from DOT Office No. 4 in Swanzey. Fieldstone talked to the highway department about restriping the lanes and were told it was not needed. So, according to Branon, the state is resolved the application is certainly in a good place to go forward. Branon said the company consulted with a traffic engineer to work on improvements to allow through traffic. An entrance has always been proposed there, he said. But Dunkin has found a way to have two entrances and two exits. The area has been researched and it is no more a hazardous exit than any all along Route 12. Mr. Branon gave the chair, Mr. Miller, a letter from DOT Office 4.

On November 8, 2022 Avanru divided the property into land condominium units. All the property, which is still owned by Avanru Development Group, is one lot but divided into four units – Unit 1 is delineated as wetlands and unbuildable. Then there are Unit 2 A, Unit 2B and Unit 2C. Unit 2A is 1.43 acres, Unit 2B is .92 acres and Unit 2 C is .98 acres. Individual companies such as Dunkin will have rights on Unit 2A if their site plan is approved. According to the condo rules, all units share Route 12 as its frontage. This designation of the property being condominium land units was done without Avanru coming to the Planning Board to get permission and according to Surveyor Joe DiBernardo it was because Avanru's counsel said Avanru did not have to go to the Planning Board. While unit 2A will have one business on that unit, other units may have multiple businesses.

Mr. Dalessio said the Dunkin lot may have proper setbacks, frontage and green space, but what about the condo lots that will be coming up. This may not be true. There was a lot of discussion back and forth about condo lot and there are questions about the definitions of condo lots and subdivision regulations. Mr. Miller said that town counsel has been contacted on the matter.

Ms. Andros asked Mr. Branon three questions. What are the proposed hours of operation? Mr. Branon said he wasn't sure if it was the same as the Dunkin in the Jiffy Mart but he would have the information available at the hearing.

What kind food will the restaurant serve? The standard - bagels donuts, breakfast, sandwiches, Mr. Branon said.

Will the landscaping be shown with the building at the next meeting? Yes, Branon said. It goes along the west side of building, east side, curb and in the green space.

A motion by Mr. Marcom was moved and seconded by Mr. Perron to hold a public hearing in December to approve the subdivision/condo lots lot units proposed by Avanru Development Group. The motion carried.

Mr. Perron made a motion to have a public hearing in December on the Dunkin site plan. Mr. Marcom seconded the motion and the motion carried. Mr. Branon said he knows the lot is a condo lot and they are happy to submit to the setback, frontage conditions, and green space of the site plan.

New Business:

Lot Line Adjustment: Surveyor Joe DiBernardo submitted an application for a proposed lot line adjustment between Dale and Bonita Woodward and Judith Epstein on Flat and School Street. Tax Map 19, Lots 53-1 and 54. Lot 53-1 to gain 0.01 acres from 54.

Mr. Perron made a motion to hold a public hearing for a Lot Line Adjustment in December. Mr. Marcom

seconded the motion and the motion carried.

Petitions for the Warrant

Mr. Tom Winmill brought two petitions to the Planning Board that he would like to go on the warrant for the townspeople to vote on by ballot.

The first was:

To the Board of Selectmen: We, the undersigned registered voters of the Town of Walpole, hereby petition the Board of Selectmen pursuant to NH 675:4, Method of Enactment by Petition, to insert the following article into the Warrant for the Annual Town Meeting to be held in 2023:

To see if the Town will vote to amend ARTICLE XIV of the Zoning Ordinance of the Town of Walpole, New Hampshire, to read as follows: Penalty Any violation of this Ordinance shall be made punishable by a fine to the full extent permitted under the New Hampshire Revised Statutes Annotated, Title LXIV (64) Planning and Zoning, or any successor statute as may then be in effect.

Mr. Winmill stated that currently the ordinance fine is one time only. The ordinance reads the fine “of not more than \$100 for each day such violation may exist after the conviction date; provided, however, that the total fines imposed for any single violation shall not exceed \$500.” The state penalty is tougher and it’s a payment each day.

His second petition article was “To see if the Town will vote to amend ARTICLE VI, Section B, 3 of the Zoning Ordinance of the Town of Walpole, New Hampshire, to read as follows: Shops, restaurants, and other retail buildings not exceeding 40,000 square feet in gross floor area. For this purpose a (1) “restaurant” is defined as an eating establishment designed to allow patrons to eat on-site at tables, booths, or a counter, including diner, café and cafeteria, excluding an establishment that provides food for off-site consumption, except as incidental to on-site service retail sales, and (2) “retail building” is defined as one that offers the sale of goods, foods, and personal services directly to the consumer for use and consumption off-site, excluding any drive-through service, free-standing retail stand, new and used car sales and service, and trailer and manufactured housing sales and service.”

Mr. Winmill cited towns such as Wolfeboro, Hanover, Plaistow and others that already had an article like this in their zoning ordinance. People who didn’t want to sign this petition said because it was discriminatory, Mr. Winmill said. When it came to a place such as Diamond Pizza, they could either be grandfathered, Mr. Winmill said, or have to get a variance.

Mr. Perron said he found the language of the petition confusing. Mr. Dalessio said suppose he had a small lot on Route 12 and wanted to open a small shop. This article would not allow him to do that. This article is discriminatory.

Mr. Winmill suggested the Planning Board work with the Zoning Board to improve the Zoning Ordinance and bring it up to date. He said it isn’t working for our town.

Adjournment:

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

Respectfully submitted,
Marilou Blaine
WPB Secretary

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

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