

Walpole Zoning Board of Adjustment Minutes
April 17, 2024
Town Hall
7 pm

Roll Call: Present board members Chair Dave Edkins, Clerk Tom Murray, Pauline Barnes, Shane O’Keefe, alternates Myra Mansouri and Don Sellarole. Absent board member Tom Winmill.

Call to Order: Mr. Edkins called the meeting to order at 7:03 pm. Mr. Edkins asked alternate Don Sellarole to fill in for the missing board member. He agreed.

Election of officers:

Three motions for a candidate for Chair of the Zoning Board were made before someone was finally chosen. The first motion for a candidate was not seconded. The second motion had a vote of two yeas, two nays with one person abstaining. So the necessary threshold of three votes for approval was not met. In a third vote Mr. Murray received a unanimous vote for Chair. That followed with a unanimous vote for Mr. Edkins for Vice-chair and a unanimous vote for Pauline Barnes as Clerk.

Role of the Board

Much of the meeting was a back and forth about the role of the zoning board. Mr. Edkins read from a letter written by Jonathan E. Cowal Esq. of the Municipal Services Counsel of the New Hampshire Municipal Association. The letter was in response to a question from Select Board member Steve Dalessio.

Mr. Dalessio’s question was “Recently we had a question regarding Zoning. The Town of Walpole does not have a Zoning Administrator. In the past, the ZBA would handle all zoning questions and matters. This practice has been challenged by several ZBA members.

“The questions are:

“If the town does not have a zoning administrator, who administers zoning matters?”

“Can the SB delegate this authority to the ZBA.”

Mr. Cowal’s response was “The role of the ZBA is restricted to interpreting zoning ordinances and granting relief under the ordinance. They are not an enforcement agency. I am assuming that by zoning administrator, you are referring to someone to enforce the provisions of the zoning ordinance. If you do not have someone filling that position. This duty falls to the select board and cannot be delegated to the ZBA.”

Mr. Edkins interpreted this to mean that zoning board should decide only on applications that come before the board and are presented to the board at a regular meeting. No one should be asking the zoning board what he/she should do regarding a particular building project.

That should come from the Town Offices, Select Board or more recently the zoning coordinator.

The other side interpreted this differently and does not consider the ZBA solely as a tribunal. That group feels it has worked effectively over many years and does not need to change. They feel the public should be able to approach the board during a meeting and ask for information about their individual concern. It is not advising. It is informing. This is a small town and it's important to have this type of engagement with the public. Zoning ordinances may be bewildering to many townspeople who haven't had much experience in interpreting them.

Riggins Rules

Mr. Murray read from a handout Jan Galloway-Leclerc gave to the board when she was chair. She retired about a year ago.

He read rule No. 1.

No. 1 "Don't accept an appointment or nomination to a Board, commission, or Council unless you expect to attend 99.9999 percent of the regular and special meetings, including inspection trips, briefings and public functions where your presence is expected. If your participation falls below 85 percent during any 6-month period, you should tender your resignation. You aren't doing your job. You aren't keeping well enough informed to make intelligent decisions, and you are making other people do your work for you."

He said Mr. Winmill is again not present at tonight's meeting. He also wasn't present at the January and March meetings this year. That's well below the 85 percent attendance.

Mr. Murray asked the secretary and Mr. Edkins if Mr. Winmill had notified either of them that he would not be at the meeting. The secretary was not notified but Mr. Winmill notified Mr. Edkins. Mr. Edkins said that Mr. Winmill did not say why he would not be at the meeting but he responded that it was unfortunate because the meeting was going to elect officers for the coming year.

Minutes of March 2024

Mr. O'Keefe made a motion to amend the minutes of the March 20, 2024 meeting by striking the second sentence of the paragraph 6 on page 21 to read "Mr. O'Keefe disagreed noting that changes can only be made by voters." There were two typos corrected. On page 1, paragraph 3 there is an extra "the." On page 2, paragraph 2 sentence the word "be" should come after the word "to." Mr. Edkins made a motion to approve the minutes as amended. The motion was seconded and passed by a vote of 4 yeas, 1 nay and 1 abstention.

Handouts

Mr. Edkins noted that every board member and alternate received a copy of "The Zoning Board of Adjustment in New Hampshire." He encourage all the members to read the handbook, which was updated in 2023. Attendees also received a copy of a Keene Sentinel

article, dated March 23, 2024. The article was a roundup of Upper Valley towns voting on short-term rentals. This board is not considering any planning on a future discussion of this topic but has discussed short-term rentals in previous years.

Alternates

Mr. Edkins wrote an article on the board seeking new members for alternates. The article appeared in the March issue of The Walpole Clarion. Mr. Edkins had one response with a possible candidate and two board members also had “a maybe.” Further discussion on this topic will take place next month.

Joint Workshop on April 23

Most of the board members at the meeting raised their hands when asked if they intended to attend that meeting on the fourth Tuesday of the month. It will be in the main meeting room of the Town Hall instead of the conference room in the basement. The topic is updating/recodifying Walpole Ordinances document. Executive director Todd Horner and Carol Ogilvie from Southwest Region Planning Commission will be assisting both Planning and Zoning Board members in this task. Mr. Edkins wanted to limit the talk on the meeting tonight but some members had questions they want to raise the concerning Mr. Horner’s eight-point proposal but were asked to wait until the first meeting of the group.

Mr. Edkins said that the boards should not spend time on policy issues but on what the ordinances say. Mr. Horner and Ms. Ogilvie have reviewed Walpole’s Zoning Ordinances document and suggestions made by Ms. Barnes and Mr. Winmill at the previous joint meeting.

Adjournment

Mr. O’Keefe made a motion to adjourn the meeting of the 20th of March at 8:25 pm. Mr. Edkins seconded the motion and the motion carried.

These minutes are unapproved and will be reviewed at the ZBA’s May 15 meeting for corrections.

Respectfully submitted,
Marilou Blaine
ZBA Recording Secretary

cc: ZBA, WPB, Town Offices, The Walpolean.
Posted: Inside the Town Offices, on the bulletin board outside the Post Office,
www.walpolenh.us