

**Zoning Board of Adjustment Minutes**  
**February 16, 2022**  
**Town Hall**  
**Hybrid – In-person and Zoom**  
**7 pm**

**Present: Board members:** In-person Chair Jan Leclerc, Vice-Chair Myra Mansouri, Clerk Tom Murray, Ernie Vose. Alternates: In-person Don Sellarole, Dave Edkins. Board member Pauline Barnes was on Zoom at her home. Absent: Alternate Judy Trow. Zoom technician Jeremiah Phaneuf was also at the meeting.

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

**Call to Order:** Ms. Leclerc called the meeting to order a few minutes after 7 pm.

**Minutes:** Review minutes of January 2022 meeting. Ms. Barnes corrected on page 2 discover to discovered, us to use. On page 3, she corrected Ms. to Mr., and member to members. Mr. Murray mentioned the heading should be minutes not agenda. Mr. Vose made a motion to approve the minutes as corrected. Ms. Mansouri seconded the motion and the motion carried.

**New Business:**

**Bruce Blanchette, 8 Prospect Hill Road, Residential A. Home business.**

Mr. Blanchette has an art studio on his property. He would like to change what is now the studio into a studio/gallery so he can have occasional art shows. He mentioned a previous art gallery on Main Street called The Barn, which was owned by Cynthia Reeves. About four times a year, he will invite the public to attend late afternoon openings of his work as well as contributing local artists work. There would be walk-in viewing as well. He plans to make a few cosmetic changes in order to make the place more pleasing to the public. The work would not be structural but include something like addition of panels to hang art work. He will also add hand rails for safety concerns to accommodate the public. The barn is already handicap accessible with a ramp. If things go well, he may add a protective roof over the entrance. The gallery will have minimal impact on my neighbors and traffic would be less than a yard sale would attract, he said. The openings would be for about three hours late in the afternoon. In addition he would like to put up a modest sign at the driveway entrance.

The idea for a sign would go along with whatever the parameters are for a modest-size sign mentioning gallery hours. The post for the sign would be on the house side of the driveway and also close enough to the road so people can see it. Since 2003, he had a few small shows for his own work but would like to engage other artists in the region and make it a more interesting place.

Mr. Murray asked about the Studio 8 sign that is already on the side of the barn. Mr. Blanchette said that that sign is going to be removed. Mr. Murray then asked about other signage on the building, for example, on the north side of the building. Mr. Blanchette said it was a piece of his art work that he took down.

Ms. Leclerc said that the difference between Cynthia Reeves' gallery and his proposed space was that she was in a commercial zone and had adequate parking on the property. That's a requirement for a home business in Residential A. Mr. Blanchette said he's had people come into the studio before. In the driveway he has parking for about 10 cars. He also owns the grass area below

the house. People could park there and he estimates it could accommodate another half dozen cars.

There's also a potential for other businesses in town, Mr. Blanchette said. People could come to an opening and then go to a restaurant and eat at a local spot before or after the show and park on Main Street.

Ms. Mansouri said there is no parking on-street on Prospect Hill. Mr. Blanchette said he would definitely not allow that but mentioned that cars could park on Main Street. Ms. Mansouri asked who would monitor that. Mr. Blanchette said in the past he's just had a few people and that he's been trying to think of all the possibilities. The studio/gallery is on the corner of Prospect Hill and Main Street – and parking on Main Street would be allowable. Ms. Leclerc asked if he was going to have employees. Mr. Blanchette said no. The ordinance for Residential A permits a home business and the ordinance states that there shall not number more than two employees in addition to the owner.

The opening would just be me and my wife, and other artists, Mr. Blanchette said. It would just be for a couple of hours four times a year. This is the first time he's doing it so he's trying to figure out how to go about it. Ms. Leclerc said as a home business this is allowed but it can have no more than two employees and adequate off street parking mustn't be overlooked. So as long as you follow the ordinance, it is allowed. Mr. Blanchette said parking is something we could put in our advertising or invitation guest list. He could put where the parking would have to be. That would be in the driveway, below the house, where he would have temporary parking signs, and on Main Street.

Mr. Murray said the size of the sign is okay. Ms. Leclerc said it must be 10 feet from the lot lines - front, back and sides. Ms. Mansouri said if you add another sign over the entry, you cannot have two signs that hang within 100 feet of one another. Ms. Leclerc said that is only in the commercial district.

The gallery was permitted because of the ordinance, but Mr. Blanchette will need to come back when he finalizes exactly what the sign will look like and exactly where he will put it so the board knows it conforms.

Ms. Leclerc asked if he was going to spend more than \$10,000 on the renovations. Absolutely not, he said. The only change to the structure would be to add an overhang over the entryway and he already has materials and so he could do that himself. No other interior work will be done except the panels. Ms. Leclerc said if you should change your mind and do some structural work you must come back to the board and explain what you plan to do. Does the board agree that other than the sign, the gallery conforms? The board agreed. Mr. Blanchette doesn't need a variance or special exception but he needs to come back to finalize signage.

### **Signage at the library. Librarian Jane Malmberg presenting.**

Ms. Malmberg said the sign at the library needs to be replaced. It will be no larger than the one already there. Currently the hours on the sign are incorrect. Its replacement will be approximately the same size and in the same place. It will be replaced with a letter-board sign so the librarians could change things on the sign if needed. It will also include information about special events. She sent a picture of the current sign and the proposed sign and the board had copies of these.

Mr. Malmberg said she received an email from Selectman Steve Dalessio who said that the library doesn't have to get permission from the Zoning Board because we are on Town property. Mr. Sellarole asked about the color of the frame. Ms. Malmberg said it would be blue. Mr. Sellarole said it would be more appropriate and subtle than the bright blue in the picture.

She asked the board if anyone knew a sign maker. Ms. Mansouri suggested Signworks in North Walpole owned by the Wolberts. That shop has closed but the business may be some place else.

Ms. Barnes mentioned that the signs at Edward Jones are new. The sign maker was from Keene. You might inquire there, she suggested.

Mr. Edkins said he didn't believe that town-owned properties can bypass the local ordinance. It was his understanding that unless the ordinance specifically states that town properties are exempt from the ordinance, the town has to follow the ordinance.

Mr. Vose said when the fire department was talking about the sign at the Main Street station, they said it was exempt. Vose said why not follow the rules that everyone else in town has to follow and that's what was decided. Mr. Edkins repeated what he said before that town-owned properties are not exempt if it's not mentioned in the ordinance and that the town has to follow the ordinance just like everybody else. Ms. Leclerc suggested it might be a good thing to find out. Mr. Edkins said he didn't think there's an RSA that says that but the courts have said towns are not exempt from following their own ordinance.

### **Reappoint Don Sellarole as alternate.**

Ms. Leclerc said Town Administrator Sarah Downing said it has been three years since Don Sellarole has been an alternate and he needs to be reappointed by the board. He said he didn't think it was that long ago. After a search of several years of minutes, Mr. Sellarole's name was first mentioned in the June 2018 minutes. Mr. Vose made a motion to have Don Sellarole continue as an alternate. Ms. Mansouri seconded the motion and the board voted unanimously that Mr. Sellarole be reappointed as an alternate.

### **Warrant Article**

On Tuesday, March 8, 2022, Walpole's registered voters will go to the polls to cast their votes for several town officials – one Select Board member, Planning and Zoning Board members, town treasurer, etc. Voters will also vote for Article 2 on the warrant, which asks voters to approve two amendments to the Walpole Zoning Ordinance. Ray Boas, editor of The Clarion, will be publishing a preview of the what going on the warrant. Mr. Boas asked Zoning Board of Adjustment Chair, Jan Leclerc, to explain what Article 2 is all about and why the Planning Board is proposing that the sign ordinance be amended.

Ms. Leclerc said that the Zoning Board received a complaint about feather flags that appeared at Jiffy Mart and other places in town. The complaint was that feather flags were distracting to drivers, were an eyesore and did not conform to the ordinance. Since the Zoning Board has no enforcement powers, Ms. Leclerc went to the Select Board who generally agreed with her about the feather flags but said that feather flags aren't mentioned in the ordinance. The Select Board recommended that the Zoning Board write an amendment that specifically mentions feather flags. They also recommended that an amendment be written concerning temporary signage since that also was not currently addressed. The Zoning Board had a public hearing before the Planning Board and received approval from the Board to place Article 2 on the warrant. So look for Ms. Leclerc 's explanation in the March edition of The Clarion.

## **Clarion article on Special Exceptions**

For the past two months three Zoning Board members have collaborated on short articles explaining what the Zoning Board does. It was decided that this month's article, which was about special exceptions, will appear in April instead of March so that there is no confusion with the monthly article and the information on Article 2 on the warrant.

## **Short-term rentals**

Ms. Leclerc received an article from the Town Offices, written by someone in the New Hampshire Municipal Association regarding a Superior Court case on owner-occupation requirements in local zoning ordinance limiting the impact of short-term rentals on the local real estate market. Last year, the board spent several months looking at short-term ordinances in other towns and thinking about what might be right for Walpole. Then the court got involved in a case in the city of Conway and the board was waiting for a decision on that case before it went ahead. The article was written about a court case in Kersage.

Ms. Barnes said that currently there is a discussion in the Legislature on short-term rentals and there appears to be bipartisan support that the legislature will vote to approve short-term rentals and take the decision out of a town's hands. Towns would be allowed to charge a fee for registration of short-term rentals and may also charge a fee for inspection of the property, but they will not have a say in whether or not they are allowed. Ms. Barnes said that the legislature may vote on this within the week.

This being the case, the Walpole Zoning Board will hold off on any further discussion until it finds out what actually transpires.

Mr. Edkins said New Hampshire is not a home rule state and the legislature has done this before.

## **Zoning maps**

Mr. Sellarole said he would contact Peter Palmiotto and see if he could get a copy and then make copies for the entire board.

## **Nonpublic session**

A couple of minutes after 8 pm, Ms. Mansouri made a motion to go into nonpublic session. Mr. Vose seconded the motion and the vote carried. Ms. Mansouri made a motion to come out of nonpublic session about 8:20 pm. Mr. Vose seconded the motion and the motion carried.

## **Adjournment**

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

Respectfully submitted,  
Marilou Blaine

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

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