

APPROVED
Town of Fitzwilliam
Planning Board Meeting
October 6, 2015

Members Present: Terry Silverman, Robin Blais, Tom Parker, and Nancy Carney, Selectman's representative.

Call to Order: 7:05 PM

Others Present: Chris Holman, Selectman

7:00 PM Preliminary consultation with Allan Howard, dba Chef Allan's Catering, to discuss a proposal to open a café at the Covey House, located at 52 Route 119 W, Map 32, Lot 38, Village Center Business District and Historic District.

Mr. Howard described the plan for converting space inside the Covey House for use as a café. The front room will continue as retail space for the Covey House, and they plan to remove a temporary wall to re-open the back area, which at one time was a professional kitchen. They plan to have a deli case and seated café area. They also plan to have food staples for sale, like a general store; things that Mr. Mike's does not carry, they said. They have a septic system that will manage the 15 seats they're planning for the café, and they will use paper goods rather than china and silverware. They also plan to do take-out and may do catering in the future.

Blais, referring to the Table of Principal Uses, noted that the only option under 127-11, Business Uses, seems to be a restaurant, which, in the Village Center Business District is an allowed use requiring a special exception from the Zoning Board of Adjustment.

The Board asked about parking, and Parker said it is allowed around the Common in areas not posted as 'no parking'. The Board agreed it has been too many years since the space was used as a restaurant for their proposed use to be grandfathered. Parker said the state should be contacted to secure the appropriate approvals and permits, and he reminded them that the state of NH has a meals tax.

Silverman said they should go to the ZBA for the special exception and if it is granted they should come back to the Planning Board for a site plan review, at which time the issue of parking will be discussed, among other pertinent site plan issues. Following the site plan review, they can apply for a building permit from the selectmen.

Appointment. The Board agreed that Paul Haynes, alternate to the Planning Board, will represent the Board on the CIP committee, a post he has held for several years. Silverman and Blais signed the appointment form.

7:15 PM Public hearing. Mulcahey Land and Timber, LLC application for modification of an approved subdivision located on West Lake Road to restore the original boundary lines. The subdivision was approved indicating two small parcels on Map 11, Lot 5-4 which were to be exchanged. The modification is to remove the proposed parcels from the plan since the exchange did not occur.

Paul Grasewicz and Attorney Bradley reviewed the proposed plan modification for the Board. Tom Parker recused himself as a party to the case. Without Mr. Parker, the Board did not have a quorum, made moot when Attorney Bradley reminded the Board that at its June 16, 2015 meeting, it had voted to approve the modified plan; however, the Board had decided that before they could sign the plan, they would need an opinion from the town attorney regarding their authority to make such a modification. There was some discussion at the time whether the Board could do a modification of a previously approved subdivision with parcel exchange, or if a

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partial revocation was the correct procedure to follow. The Town attorney opined that the Board had the authority to do a modification, and a partial revocation was not necessary.

The Board signed the modified plan, a notice of decision will be issued, and the modified plan will be recorded at the Cheshire County Registry of Deeds.

7:30 PM Preliminary consultation. Paul Grasewicz to discuss options for restoration or replacement of a home on Laurel Lake, 10 Spicer Point Road, Map 21, Lot 19-1.

Mr. Grasewicz explained that he had presented a plan for an addition to an existing non-conforming structure on Laurel Lake to the Board of Selectmen for a building permit. The plan he presented showed the proposed addition as violating the side setback and the Selectmen suggested he go to the ZBA for a variance. However, the plan has been changed so the addition now meets the setbacks. Mr. Grasewicz referred to Land Use Ordinance 127-36, B. Changing a Nonconforming Structure, which states that "A nonconforming structure may be altered, reconstructed, extended or structurally changed, provided that such alteration, reconstruction, extension or structural change conforms to all the dimensional requirements of this chapter."

Because the existing structure is within the Wetlands Protection Overlay District, he referred the Board to Section 127-16.1, D. 7. (e) Exemptions, which states, "Notwithstanding any other provisions of this section, the construction of additions and extensions to existing structures shall be permitted within the WPOD, provided that (1) the Structure lawfully existed prior to the effective date of this section; (2) the proposed construction conforms to all other applicable town ordinances and regulations; and (3) the construction is not in a wetland.

The addition will not increase the number of bedrooms, which are two, and it is probable that the house will be used year around, rather than seasonally. Blais also asked if runoff from the roof could be redirected away from the Lake, and Mr. Grasewicz concurred. Grasewicz will take the plan to the Board of Selectmen for a building permit.

Minutes. The Board reviewed the August 4, 2015 meeting minutes. Blais moved, Carney seconded and the Board approved the minutes as written.

Appointment. Frank Bequaert met with the Board regarding representing the town as a commissioner to the Southwest Regional Planning Commission. Robin Blais was the town's representative on the SWRPC Board of Directors until she resigned recently. This resignation leaves the town without representatives on either the Board of Directors or the Commissioners. The Town is entitled to two commissioners and one seat on the Board of Directors.

Mr. Bequaert said his interaction with SWRPC has been primarily around transportation issues, including the Ten Year Transportation Plan, the Route 12 South Transportation Corridor and the town's efforts to have Route 119 repaved/reconstructed through Fitzwilliam. He has been very active and involved with these issues, writing a thorough critique of the Route 12 Corridor study, attending meetings regarding the Ten Year Transportation Plan, which he said did not contain any Fitzwilliam project, nor does it have any plans for new construction in it. He referred to the legislature's attempts to raise funding through a gas tax, all of which went to fund Interstate 93.

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He wondered if the Transportation Advisory Committee would be a better venue from which to make the changes needed, or if it might be better if he continued to work on his own as an individual not a representative associated with any entity. He asked the Board their opinion. He noted that without a real commitment to constant municipal pressure, input and action, local plans slip off the NHDOT radar. He and Jim Talbert attended the Governor's Advisory Council on Intermodal Transportation (GACIT) meeting to keep the need to rebuild Route 119 through Fitzwilliam on the NHDOT agenda and felt they were shut down. He added that it seems that when a town can agree on a project and pushes NHDOT to work on it, then there is some chance that it will happen.

He said NHDOT likes it when a town can't agree on a plan, referring to the Route 119 and Route 12 intersection plans. He suggested the Town could consider engaging an engineer to develop an intersection plan all could agree on. Silverman said if they would stripe the road correctly and keep the brush cut to improve lines of sight, the intersection would be OK. This discussion led to another regarding the services provided by SWRPC to their member towns with Silverman, Holman, Blais and Carney weighing in.

Selectman Holman expressed his interest in serving as a SWRPC commissioner, noting that he was a commission when he was 19. He is particularly interested in restoring the existing trail systems around the town. He added that he has attended many of the SWRPC events and meetings. He said Rebeckah Bullock has been named Fitzwilliam's contact at SWRPC and she is a resident of Fitzwilliam. He added that the town needs the tools SWRPC has to offer and if the town is not a member, or switches to another RPC then he worries that the town won't have the services it needs during a transition.

Holman said he had worked on the Route 12 Bypass project and there were too many options. He said it comes down to who you know, adding that if the Town has to deal with the pipeline we have to press KM to mitigate the impacts better. He said Kinder Morgan plans to base work crews in Marlboro and he thought Fitzwilliam should have advocated for them to locate the crews and stage the construction on the Bard property, since that would have less impact on our roads.

Silverman said he opposes the pipeline, but if inevitable he opposes any construction staging or work crews in town, wanting the smallest pipeline footprint as possible in Fitzwilliam. He said emphatically that there is no economic benefit to the town from building the pipeline and no base of operation for its construction will benefit the town either.

Silverman said the mining ordinance, which was approved by voters in 2013, will be added to the Table of Principal Uses in our Land Use books, since the legislative changes approved this year allow local regulation of certain mining activities. A caveat will be noted for those areas where mining is currently not allowed under this ordinance. Amending the ordinance to correct this will be on the warrant in 2016.

Carney asked if the Vaal quarry permit was still valid since there has been no activity in the last year. Silverman said it was, adding that there is no impact if there is no activity on the property.

The meeting was adjourned at 9:00 PM.