

APPROVED AS AMENDED
Town of Fitzwilliam
Planning Board Meeting
June 6, 2017
7:00 p.m.

Members Present: Terry Silverman, Suzanne Gray, Robin Blais, Paul Haynes, Matt Buonomano, Ross Tourigny, Nancy Carney, Selectman's Representative

Call to Order: 7:00 p.m.

7:00 p.m. Preliminary Consultation – Robert Jones to discuss a firearms sales business from his home located at 661 Route 119 W, Map 10, Lot 33-2, Rural District.

Mr. Jones shared he was interested in getting a license to sell and transfer firearms - internet sales and custom orders. Mr. Jones would handle transfers – if ordered on-line by someone who was not a state resident. The business would be located off of the mud room and would contain a safe and desk. A lot of the sales would be based on-line. Ms. Blais asked for specifics on the location of the property and asked about signage. Mr. Jones noted the State requirement to post hours and shared that he works a swing shift for the power company and he would post hours on the door. Mr. Jones may at a later date put out an open flag. Mr. Jones stated he had met with Chief DiSalvo, he needed permission from the Town and would have an interview with the ATF, who has 60 days from that point to approve or deny.

Ms. Gray asked how many people would be coming to the house and asked if there was a long driveway as she was thinking about parking. Mr. Jones shared there was plenty of parking as he couldn't imagine there being that much traffic.

Mr. Silverman reviewed the requirements of RSA 159-8. Mr. Silverman asked if Mr. Jones would have hand guns. Mr. Jones replied that he would. Ms. Blais asked if Mr. Jones would have some guns at his home for selling. Mr. Jones shared he wouldn't have a large scale of guns, possibly 5 pistols and 5 rifles. Mr. Tourigny asked about the possibility of expansion. Mr. Jones stated no expansion there. Mr. Tourigny asked if he would expand into the garage. Mr. Jones shared he has a job and expanding wasn't in his sights at this time and he wouldn't expand into the garage – possibly a shed but hasn't done much research on it. Ms. Gray asked if the firearms would be located in a safe. Mr. Jones stated if he wasn't there, the fire arms would be locked in the safe. Mr. Jones shared he has children and the firearms would be locked up. Mr. Jones may have a display case with 3-4 pistols, otherwise they would be in the safe. Mr. Buonomano asked if Mr. Jones expected to discharge firearms. Mr. Jones stated no not business related but he has a shooting range for his personal use.

Mr. Silverman asked Mr. Jones if he was familiar with RSA 152:26. Mr. Jones stated he wasn't. Mr. Silverman reviewed the RSA. Mr. Jones stated he was certified in NRA home inspections of firearms and he has forms if the Planning Board needed them.

Mr. Silverman shared that took care of the State and Federal requirements but for the Town – needed to determine whether it would be a retail store. Ms. Gray asked for discussion. Ms. Blais stated it wasn't retail - has to be purchased - transfer of purchase. Discussion was held on what

the process would be for purchasing and ordering guns. Mr. Jones stated he would do the background check and he would be essentially the middle man and that he wasn't looking to open a Cabela's. Mr. Jones said he was federally required to have hours and he thought they would be 3-6 on Monday and 10-Noon on Saturday. Business would be mostly internet. Mr. Silverman asked if he would sell ammunition. Mr. Jones shared he would have some.

Mr. Silverman asked if home business or home occupation and mentioned there might be a need to follow-up with Site Plan Review, which would require notification to neighbors. Mr. Jones shared he didn't anticipate increase traffic on Rt 119 – definition between a home business and home occupation. Planning Board members discussed whether it was a home business or home occupation and after discussion agreed that it would be a home occupation. Mr. Silverman asked if the Board of Selectmen had any questions. Ms. Carney stated no. Ms. Gray asked Ms. Carney if there were any concerns from the Fire Department and Ms. Carney stated no.

Ms. Blais made a motion that Mr. Jones' fire arms sales would fall under home occupation under Ordinance 127-14 A2. Ms. Gray seconded.

Mr. Silverman asked if there was any way to know if Mr. Jones had all of his licenses. Ms. Blais stated he couldn't open unless he produces his licenses. Mr. Jones stated the FFL and State Business license would need to go to the Board of Selectmen and the Chief of Police for signature. Ms. Carney shared they would be signed on a regular basis and that Mr. Jones does have to come before the Board of Selectmen to make sure everything was in place to get his State license. Ms. Gray stated if Mr. Jones changed the business and it grew, he would need to come back before the Planning Board. Mr. Jones asked about the open flag. Ms. Carney shared it didn't require a permit. Mrs. Jones asked if the fire arm decal on the door was okay. Ms. Carney shared it wasn't really a sign. Discussion was held on the size of the decal, Mr. Jones' being required to post hours and whether it should be on door and not on the window. Mr. Silverman shared directional signs were allowed.

Mr. Silverman asked all those in favor of the motion and those opposed. The motion was approved.

7:20 p.m. Preliminary Consultation – Sharon Roy to discuss a vehicle and small engine repair business from his home located at 24 Sip Pond Road. Map 26, Lot 01, Rural District.

Ms. Roy shared under the current condition she needed to have neighbor speak for her. Ms. Carney stated she understood. Joann Correia, is an abutter to Sharon and Dick Roy. Ms. Correia stated Ms. Roy wanted to know how to straighten out what was going on and the complaints. The building has been there since they have lived there for over a decade. When Ms. Roy inherited the property – question in the minutes – wanted to understand the complaints and wanted a copy of all of the complaints – public record. Ms. Correia stated Francis Toole worked with Ms. Roy's father. Ms. Roy needed to understand how this continued to happen to her and she needed to straighten out the variance issues. Ms. Correia stated this was because of the divorce and Ms. Roy wanted to see the original letters. Mr. Silverman stated the Planning Board received the information from the Board of Selectmen under Ordinance 127-11 T - motor vehicle repair or body shop. A variance was needed. Mr. Silverman stated the Planning Board doesn't have any complaints, so he would move that Ms. Roy apply for a variance under 127-11 T. Ms. Correia asked if they weren't grandfathered in. Ms. Correia also asked about the wetlands. Mr. Silverman gave Ms. Correia a Variance Application and shared if she could bring it in during open hours, she could get a Wetlands

Application for her unrelated project. Mr. Silverman stated he would like to refer Ms. Roy to ZBA under 127-11 T – motor vehicle repair or body shop. Ms. Correia asked if there was anything else Ms. Roy needed to do. Mr. Silverman shared the Variance Application goes to the ZBA and they would need to know how they are handling the waste oil and disposing of it.

Ms. Correia asked, as of today, was Ms. Roy in violation. Ms. Carney stated since she is meeting with the Planning Board and has started the process they were not in violation. Ms. Carney stated the Board of Selectmen went by the Minutes of the Planning Board, when Ryan Roy came in and made the complaint and that was what the Board of Selectmen's letter was written from. Ms. Correia shared that Ms. Roy got a letter in March from the Board of Selectmen. Ms. Carney stated Ms. Roy wasn't in violation and the Board of Selectmen would make sure that all of the paperwork was in order.

Ms. Correia asked hypothetically if the ZBA treated this as a new business. Ms. Gray stated they couldn't say how the ZBA would rule on that, they would go with whatever documentation they have on it. Ms. Carney stated as long as the Boards remain separate, if someone doesn't like what a Board determines, they could come to the Board of Selectmen. The Selectmen follow-up on the complaints and the Board of Selectmen don't normally take anonymous complaints.

Ms. Correia asked if she would be notified if anything goes on around her. Mr. Silverman shared she would get notification from ZBA but wouldn't get anything from the Planning Board because it's preliminary. Mr. Silverman shared in their presentation to be as comprehensive and bring in as much information as they can when meeting with the ZBA. Mr. Tourigny shared it helps to bring in a photo. Mr. Silverman was asked how long they had to turn in the form and Mr. Silverman stated to bring it in as soon as they could and he thought it was 10 days. Ms. Correia asked if Mr. Toole could continue with his business. Mr. Silverman stated from the Town's standpoint – looking at to see if any affect to Sip Pond.

Discuss Map 1, Lot 8 – Building on a Class VI Road RSA 674:41

Ms. Carney explained the ZBA around 1990 gave permission to Shawn Coyle to build a hunting cabin a certain size. A porch has been added. Ms. Carney shared with members the location of the hunting cabin. A bridge has been added over the beaver pond. Ms. Carney shared DES was contacted because the bridge goes through the water and DES regulations need it to go shore to shore. Ms. Carney noted the hunting cabin was slightly larger than the ZBA allowed. Ms. Carney mentioned there were other buildings out there as well. The assessors would be going out to assess the buildings.

Ms. Blais noted if the bridge was removed, the property could be accessed Royalston MA. Ms. Carney stated she would like to have a bridge there. DES noted the owner could apply for a permit but they didn't apply for any permits. It is coming to the Planning Board because they have enlarged the hunting cabin. Ms. Gray asked if there was an application. Mr. Silverman reviewed the Construction Permit and asked if the deed restriction the ZBA imposed stated they couldn't expand – could the owner come back for a variance under RSA 674:41. Mr. Tourigny asked how it was originally written. Mr. Silverman reviewed the e-mail from NHMA.

Mr. Buonomano wanted to know who drafted it and if we had a copy. Mr. Buonomano read an excerpt from A Hard Road to Travel – Section I, Subsection C regarding the Town's liability for

road maintenance if a Construction Permit had been approved on a Class VI road. Mr. Silverman thought it would have been included. Mr. Haynes asked if it was recorded why wasn't it on the tax map. Ms. Carney stated she couldn't answer. There is a tax card for it and she didn't know what they were being taxed on.

Ms. Gray asked if it was the same owner. Ms. Carney wasn't sure and noted pursuant to RSA 674:41, Planning Board comment was required. Mr. Silverman reviewed the e-mail from the attorney at NHMA. Ms. Blais didn't think the Planning Board had cause to comment.

Discussion was held on whether the owner needed to take it down, get a variance or an equitable waiver. Bridge should be dealt with by DES before they continue with the case. Ms. Carney shared she had originally made contact with DES and the last contact referenced the bridge and she had gotten pictures. DES wasn't able to deal with the issue until they knew whose property it was or who put the bridge in. Ms. Carney wasn't sure of the status with DES. It was noted that the Planning Board has authority regarding the bridge on whether to have it upgraded or removed and they have the authority to have the expansion taken down. Mr. Buonomano asked what the penalty was.

Ms. Gray stated the owner needed to go through DES process to upgrade the bridge and asked if the minutes of the meeting could be sent to the Conservation Commission. It was noted the building was the violation.

Minutes – Ms. Gray made a motion to approve the minutes of May 16, 2017 as written. Mr. Haynes seconded. The minutes were approved.

Mr. Silverman thanked Ms. White for taking minutes and Ms. Favreau for creating the agenda.

Vendor Permit - Kevin Rule – Kayak & Canoe Rental business. Fee was paid. Mr. Silverman asked if there was any objections. Approved.

Mr. Silverman reviewed information on the Guide to Smart Solar Citing Workshop to be held on June 22nd from 9:30 a.m. – 12:00 p.m.

Review Employment Applications – Mr. Silverman asked for a discussion of the criteria of what Planning Board members wanted: computer skills, taking minutes, knowledge of GIS, availability for evening meetings, permitting process, state regulations, grant writing, environmental regulations, writing skills and customer service skills.

Mr. Silverman stated the need to establish a list of questions to be asked of every applicant. Mr. Silverman shared 18 resumes have been received and 4-5 applicants should be interviewed.

NON-PUBLIC SESSION - RSA 91-A:3 II(b) – Hiring - At 8:18 p.m. Mr. Silverman made a motion to go into non-public session under RSA 91-A:3 II(b). Mr. Haynes seconded and the motion passed. 7-0. At 9:10 p.m. Mr. Silverman made a motion to leave non-public session. Ms. Gray seconded and the motion passed 7-0.

Fee structure – Mr. Buonomano worked up suggestions and it would be included in the next meeting packet.

The meeting adjourned at 9:10 p.m.