

TOWN OF FITZWILLIAM

PLANNING BOARD

Meeting Minutes

June 16, 2020

Note: Due to the COVID-19 pandemic, the Planning Board met remotely via phone/video conferencing, as allowed under NH Executive Order 2020-04, Emergency Order #12.

Members Present: Chairman Suzanne Gray, Vice Chair Terry Silverman, Secretary Robin Peard-Blais, Paul Haynes, Karen Craig, and Charley Kenison, Selectman representative

Members Absent: Barbara Young

Staff Present: Land Use Coordinator Lori Nolan and Road Agent Jason Walters

Others Present: Paul Kotila (Chair, Conservation Commission); Ron and Beth Herrick (applicants); Lynne and Bob Brown (abutters); Pat English (applicant representative); Dana Pinney (resident);

Chairman Suzanne Gray opened the meeting at 7:10 and held roll call.

Continuation of Preliminary Consultation – Ronald and Beth Herrick – Constructing of a driveway on a Class VI road at Kemp Brook Road [Map 2, Lots 19/20 – Rural District]

Gray welcomed Ronald and Beth Herrick to the meeting. Gray summarized the case and that the Planning Board and Board of Selectmen conducted a site walk on June 3. The walk lasted approximately 1.5 hours and gave the group a good idea of the area and property. She then asked the Board for their comments.

Terry Silverman commented about the amount of wetlands on either side of the road, including crossings at the intersection of Sportsman Pond and Kemp Brook. He noted the walk conducted several years ago with Steve Filipi and how the large rocks were moved, indicating the amount of water that moves through the area. Silverman further commented about the moss filled wetlands to the left and the very sensitive and incredibly rich wetlands present. He does not feel this area should be touched. Silverman ended saying historically there is precedent in not allowing development as the abutters, the Brown's, were not allowed a driveway on Kemp Brook Road. It would also be hard for first responders to access the property and that the liability relieves legal obligations, but not the responsibility. Liability release or not, our first responders will respond. Silverman stated he does not recommend the driveway.

Karen Craig had similar concerns and seconded Silverman's comments.

Paul Haynes explained that this a massive project and the area is a delicate ecosystem. The project would change the use of land and the entire area, setting a new precedent. Haynes further commented that it is a difficult spot to get to.

Gray mentioned the stream crossings and the sensitive nature of the wetlands. She also mentioned that foot traffic is not the same of vehicular traffic. If this is approved, this would create another road with frontage. The current precedent is to not approve.

Silverman explained that this is not a situation for approval but to provide a recommendation to the Board of Selectmen.

Charley Kenison noted that we are currently 5" below normal rainfall. Normally, this area has a stream running down the middle of the road.

Robin Peard-Blais mentioned that Sportsman Pond was the first prime wetland adopted by the Town due to its importance and that there are wetland crossings going up Kemp Brook Road.

Silverman motioned to recommend to the Board of Selectmen that Kemp Brook Road not be used as a driveway and to resist any tendency to improve the road due to the proximity to Sportsman Pond and sensitive wetlands. Kenison seconded. Motion passed unanimously.

Yes: 6 [Gray, Silverman, Peard-Blais, Haynes, Craig, and Kenison]; No 0; Abstained: 0

Gray then instructed the Herrick's to apply for a driveway permit through the Board of Selectmen, explaining that the Planning Board did not deny their request, but did not recommend.

At this time, the Herrick's leave the meeting.

Continuation of Public Hearing – Thomas Anderson – Constructing of a front porch within 71 feet of shoreland/prime wetlands at 62 Keene Ave [Map 25, Lot 13 – Rural District]

Chairman Gray continued the public hearing explaining that the Board had conducted one public hearing and one site walk so far on this case. She also relayed to the Board that the Conservation Commission chairman, Paul Kotila, is present for the meeting to provide the Board with the Conservation Commission's recommendations.

Kotila began by explaining that two members of the Conservation Commission, himself and Susan Silverman, conducted a site walk, in conjunction with the ZBA. During their site walk, the following was observed: the deck/porch would be doubled in size on a very impervious property. Typically adding 24 square feet is not a big deal and traditionally the Conservation Commission would recommend gutters. However, they are unsure if the property is in compliance with the DES as we have not seen the vegetation plans to know if plan was followed or not. However, this was one of the conditions set by the ZBA variance.

Gray agreed with Kotila – we are missing the Landscaping Plan, the Trench Chamber plan, and the Vegetation Plan. Because of the missing plans, it is not possible to know if property is in DES compliance.

Peard-Blais agreed with Kotila in that the property is totally impervious. She further questioned the pavers that were installed.

Craig also agreed, especially in regards to drainage. At the very least, gutters that drain away from the lake should be required.

Silverman explained that the pavers do not seem to be allowed as they are not pervious, especially on the north side of the lake.

Gray mentioned that according to the DES approval letter, up to 44% of the property lot can be covered by impervious surfaces, which is a lot. However, the DES status is still unknown; the plans have not been received as the LUC had not heard back from them yet.

Peard-Blais motioned to table the public hearing until the Board heard back from DES. Silverman seconded. Motion passed.

Yes: 5 [Gray, Silverman, Peard-Blais, Haynes, and Craig]; No: 0; Abstained: 1 [Kenison]

Pat English, the applicant's representative, commented that he will try to get the DES application plans from Paul Grasewicz, but felt the property is in compliance. He believed the trench drain may be connected to the pavers, either under or next to them to help with the drainage.

Preliminary Consultation – Doug and Cynthia Seiler – Construction of a 1MW Community-Solar farm at 83 Gap Mountain Road [Map 15, Lot 37 – Light Industrial District]

Gray welcomed Doug and Cynthia Seiler to discuss development of their property, including construction of a 1MW community-solar farm.

Doug Seiler began his presentation explaining that they own two lots, which was passed down from Cynthia's mother's estate. It was originally the Wheelock Farm around the 1790s. They are looking to sell a family owned building in Philadelphia in about nine months to use that money as seed money to invest in renovating the Fitzwilliam house and developing solar. Seiler explained that he has assets from the building and is also experienced in solar.

The Seiler's have been approached by two developers to lease or sell the parcel to develop solar, which he believed was due to a new law passed in NH. He is open to subdividing the property into three lots. Seiler also mentioned the land contains prime farm soil, and the area along Route 12 has no wetlands and no boulders. He further explained the scope of community solar and power purchase agreements. He mentioned this same arrangement is in place in both Peterborough and at the food co-op in Keene.

Silverman asked about the property location. Seiler responded that it is across the street from Bard's. Gray further added it is next to AB Tech.

Gray asked if this was for 1MW of solar. Seiler responded in the affirmative, adding that 1MW is the maximum allowed for community-solar.

Peard-Blais asked if there are any plans to connect to the power lines/grid. Seiler responded in the affirmative, adding that they plan to tie directly into the power lines and that the proximity to the substation is helpful. This, in turn, puts the electricity into the grid. The project will pay for itself through power purchase agreements as community-solar is designed for locals to purchase the power. In NH, energy brokers sell energy resources to electric companies. He offered to make his technical expert available to answer any of the Board's questions.

Gray explained that he should review the town's solar ordinance. The formal process will include a site plan review.

Resident Dana Pinney asked if the solar array would be visible from the street, as it will be 100 feet off the road. Seiler responded that they plan to buffer at the lower level with evergreens present. The idea is to buffer but might not be completely invisible.

Pinney asked if developers build the array, will the Seiler's own the project or will they lease the land. Seiler explained he has two options. A Boston developer would lease the land for 20 years with two 5-year options. There would be a stipend up front of \$2,000 while the project goes through the approval process. The other option would be to keep as an asset but would shed project off as a LLC. This option would allow the project to be theirs.

Pinney asked if there would be an inverter and/or substation at the site. He further asked if so, how they would send the power to Eversource. Seiler explained there would be an inverter on site within a fenced enclosure. The lines would be answered by experts and it would tie into the power lines.

Cynthia Seiler then gave background on the family's connection to the house and land. She explained to the Board of their idea to possibly use the house as an Airbnb. Gray explained that they would need to come before the Planning Board for change of use for what is allowed in each zone.

Peard-Blais and Silverman both said they are ready to see the plans. Gray explained the next step would include detailed engineering plans for the solar project, including inverters and any other equipment locations.

Seiler asked how to start the conversation on community-solar. Gray advised him to go before the Board of Selectmen. However, the Planning Board would need to be involved with the Site Plan Review. Kenison then advised him to speak with Eversource as 1MW of fluctuating power may not be feasible.

At this time, the Seiler's leave the meeting.

Review of Minutes

Paul Haynes motioned to accept the minutes of May 19, 2020 as amended. Silverman seconded. Motion passed unanimously.

Yes: 6 [Gray, Silverman, Peard-Blais, Haynes, Craig, and, Kenison]; No: 0; Abstained: 0

Silverman motioned to accept the site walk notes of June 3, 2020 as amended. Haynes seconded. Motion passed unanimously.

Yes: 6 [Gray, Silverman, Peard-Blais, Haynes, Craig, and, Kenison]; No: 0; Abstained: 0

Silverman motioned to accept the site walk notes of June 4, 2020 as amended. Haynes seconded. Motion passed unanimously.

Yes: 6 [Gray, Silverman, Peard-Blais, Haynes, Craig, and, Kenison]; No: 0; Abstained: 0

New Business

Kenison discussed the topic of Junk and Junky Yards. The Board of Selectmen are looking to enforce the state RSA but are having trouble. The Board of Selectmen are looking for Planning Board advice and where

they would like to go with it. He asked if the Planning Board would be willing to help draft an ordinance on Junky Yards.

Peard-Blais added that she not interested in the topic as it involved going onto people's property and not within their scope.

Haynes added that he is not in favor of going further with it.

Gray asked about the number of problematic properties. Kenison answered that there are no real numbers, but they have received complaints.

It was agreed that the LUC would send the Board the Junk Yard outline document that was prepared for the Board of Selectmen.

Next Meetings

Gray explained to the Board that physical meetings can now take place. It is advised that members of the public still participate remotely. Craig added that she is concerned members of the public will have trouble hearing the Board, as members will be spread out and wearing masks.

Haynes motioned to continue holding meetings remotely. Silverman requested the access information be sent the day prior to meeting. The Board agreed on both items. The next Planning Board meeting will be July 21.

With no further business to discuss, **Gray motioned to adjourn. Craig seconded. Motion passed unanimously.**

Yes: 6 [Gray, Silverman, Peard-Blais, Haynes, Craig, and Kenison]; No: 0; Abstained: 0

Meeting was adjourned at 8:36pm.

Respectfully Submitted,

Lori Nolan
Land Use Coordinator

Minutes approved as written on July 21, 2020