

Town of Fitzwilliam
Zoning Board of Adjustment
July 14, 2020

Members Present: Dan Sutton, Acting Chairman; Bob Handy, Vice Chair; Susan Massin; and Dan Baker, Selectmen's Representative.

Members Absent: Chad Beede

Staff Present: Lori Nolan, Land Use Coordinator

Guests Present: Chris Guida, Katie Sutherland, Rolf and Barbara Briggs

Call to Order: The Chair called the meeting to order at 7:00 PM.

Public Hearing, Case # 20-4, Rolf and Barbara Briggs appeal for a Variance under Article 3 Section 127-36 to change a non-conforming structure and allow construction of a shed within the WPOD at 46 Rantilla Lane [Map 38, Lot 9, Rural District]

Acting Chairman Dan Sutton opened the meeting introducing the board members present and the case. Sutton explained that the ZBA had a required quorum but only three members were in attendance. An applicant has the right to be heard by a full board of five members or waive that right and continue the hearing. Sutton also explained that if the applicant chose to continue without a full board, the applicant can appeal but not on the basis that there was not a full board present. Barbara Briggs, the applicant, agreed and chose to continue with the hearing with three members present. Sutton then informed the applicants that ZBA member, Chad Beede, was not present, but will participate if further meetings are required.

Sutton asked if the proposal included a setback of 6-8 feet from shoreland, house rotation of 7 degrees, and building of a shed. Barbara Briggs said yes, but said house rotation is to accommodate the easement. Sutton suggested that the easement agreement be provided to the town. Briggs commented that easement files have never been found, and it is understood to be rights passed down over generations. The easement is there to allow neighbors access to the waterway. However, the Briggs driveway is a right-to-pass and is listed in deed.

Susan Massin asked if the application only deals with shed. Sutton said it deals with removal of old structure and the reconstruction on a different footprint. So the ZBA application is for the dwelling expansion and the construction of shed. Briggs further added the addition of stormwater management, in which Sutton updated the Briggs that portion is not really in ZBA's scope as it is not a structure.

Bob Handy asked about the bathroom. Briggs replied that there is no septic. There is currently an outhouse with a cesspool for the toilet and shower. The well was abandoned and they currently are using pond water. They are proposing a well with geothermal.

Chris Guida, a wetlands and soil scientist, began his presentation stating they started at the state level with their Shoreland Permit application. They want to eliminate erosion on the property and replace the dwelling with an updated structure. DES had issue with the structure overhanging the pond. Even though the overhang was grandfathered, the Briggs decided to move the new dwelling off the water, which eliminated any existing violations.

Guida also discussed the shed and how it is part of their stormwater management plan as the structure will help channel and divert water from going into the pond.

Sutton asked if the overhanging deck has posts in the water. Guida explained that there are cantilever beams and 8 steel timber posts. There is an existing retaining wall. The plan is to remove the deck and lift the structure back. There would be no disturbance to the bank. Sutton asked if the shed would be located where the outdoor kitchen patio is. Guida answered yes. Rolf Briggs indicated the double tiered patio would be removed.

Barbara Briggs then presented. The structure was built around the 1930s at the bottom of a watershed with sloping land leading to the water. Their proposal called for the sand beach to be eliminated. Water currently runs down the driveway and above the house into the water, inserting silt and sediment into the pond. The watershed management project would include moving water over swales into rain gardens, which would hold water up to a 100 year storm. If a storm exceeds that, then plunge pools will catch the remainder. They have received a permit to create a perched beach (terrace). In the front of the house, there will be a rain garden, and pine needle pathways around the property with stepping stones and live retaining walls. They will use granite from the property to create pavers and make the property handicap accessible. Briggs then goes over the vegetation and planting plan.

Katie Sutherland, architect, presented. She explained that house will be shifted 7 feet back from the water and the deck eliminated. There will be a net reduction of 250 square feet of surface within the 75 foot setback area. They will use a flat roof system with runoff going into a bio retention system and will use techniques to reduce the carbon footprint. When approaching the property, there will be a series of walls using granite from the property. The house will have higher windows for privacy and a green roof to offset impervious factor. The shed would be a visible extension of the structure.

Sutton asked about the building materials of the structure. Sutherland indicated wood frame.

Handy asked about a basement. Sutherland indicated there would be no basement but anticipate a small crawl space for electrical and mechanical access.

Handy asked if there would be a berm when removing structure. Guida replied in the affirmative and stated it is part of the shoreland permit application.

Massin asked how long the project will take. Barbara Briggs indicated the first phase included the stormwater management and beach areas. Then they will work with the granite slabs. After that, the septic and well. Constructing the house would be the last item to do. Everything would be staged in the off-season. Massin commented that this project would turn a little camp into something big and asked how much the neighbors would be affected visually. Briggs replied that they are trying to match the natural colors and will use a matte finish to blend in and that the vegetation will help. She then commented that there are several large A-frame houses on the pond already. Rolf Briggs further added that after planting over 100 trees, the whole look and feel will change.

Massin asked if this would be a year-round dwelling. Briggs said yes. Sutherland added that the roof line will be lower than the current structure.

Handy followed up on how long construction will take. Rolf Briggs indicated five years.

Massin asked if there have been any interest from any abutters. Briggs answered yes and said they held a presentation for all the neighbors.

Sutton indicated the need for a site walk. Handy and Massin agreed. The site walk was then scheduled for Monday, July 20 at 4:30pm.

Massin commented that water and erosion is a problem in town. She is happy and amazed at the project.

Approval of Minutes

Sutton motioned to accept the minutes of June 9, 2020 as written. Handy seconded. Motion passed unanimously.

Yes: 3 [Sutton, Handy, and Massin]; No: 0; Abstained: 0

Elections of Officers

Sutton motioned to table Officer Elections until the next meeting with all Board members in attendance. Handy seconded. Motion passed unanimously.

Yes: 3 [Sutton, Handy, and Massin]; No: 0; Abstained: 0

Other Business

Massin asked about the Spicer property on Laurel Lake. Sutton explained the Planning Board approved the project after the plan was changed. But it was a mistake as it did not meet the dimensional requirement. The attorney present did not seem familiar with our requirements; however the ZBA denied the application. Baker commented that it included a loophole in the zoning ordinance, but it was fixed in March. Handy asked why a cease and desist order wasn't sent. Baker indicated one was sent and now DES is investigating.

With no further business to discuss, Handy motioned to adjourn the meeting. Massin seconded. Motion passed unanimously.

Yes: 3 [Sutton, Handy, and Massin]; No: 0; Abstained: 0

The meeting was adjourned at 8:15 PM.

Respectfully Submitted,

Lori Nolan

Land Use Coordinator

Approved as written on August 11, 2020