

TOWN OF FITZWILLIAM

PLANNING BOARD

Meeting Minutes

September 15, 2020

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

Members Present, Physically: Vice Chair Terry Silverman, Secretary Robin Peard Blais, Paul Haynes, Karen Craig, and Charley Kenison, Selectman representative.

Members Present, remotely: Barbara Young

Members Absent: Chairman Suzanne Gray

Staff Present: Land Use Coordinator Lori Nolan

Others Present, Physically: Gail Therriault, JC Woodward, Jeff and Barbara DeLuca, BethAnne and Robert Tatro, Robert Thompson, Chris Guida, Shaun and Tania Curley, and Albert Pelletier.

Others Present, Remotely: Jon Buschbaum, Wendy Pelletier, Dana Pinney, and William and Mrs. Pfeffer.

Vice Chairman Terry Silverman called the meeting to order at 7:08 pm and held roll call.

Case # 20-5 Public Hearing: Jeffrey and Barbara DeLuca – Constructing of a second floor and repair of existing deck within the WPOD at 50 Hemlock Drive. [Map 35, Lot 18 – Rural District]

Silverman welcomed the applicants to the meeting and reviewed the site walk notes.

Silverman motioned to accept the site walk notes as written. Karen Craig seconded. Motion passed.
Yes: 5 [Peard Blais, Haynes, Craig, Young, and Kenison]; No: 0; Abstained: 1 [Silverman]

Silverman asked if the application is for an 'after-the-fact' case. Jeff DeLuca replied in the affirmative, adding that it is not quite complete.

Robin Peard Blais inquired about the Conservation Commission's recommendation. The LUC indicated that it had not been received yet. Peard Blais expressed her concern about the distance to the water, but if the ZBA signed off then she is okay with it. Silverman commented that the Planning Board can do an alternative decision. Peard Blais suggested that the applicants review the prime wetlands guidelines, and then asked about the vegetation on property. DeLuca said there is natural vegetation along shoreline, including blueberry bushes.

Craig asked if gutters and drywells should be added. Peard Blais felt it would help a lot and explained how drywells work. DeLuca asked if gutters should be added on any roof that pitches toward the water and over the outdoor dog shower. Paul Haynes answered yes, stating anywhere to prevent erosion.

Silverman motioned that a conditional use permit be issued under Zoning Ordinance 127-16.1D. This approval would be conditioned that gutters, into drywells, be installed for the outdoor shower and the lake side of the house. Additionally, the natural buffer between the lake and house must be maintained. Peard Blais seconded. Motion passed unanimously.

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

Case # 20-8 Public Hearing: Robert and Allyn Thompson – Constructing of a rear deck within the WPOD at 6 Pine Road. [Map 35, Lot 24 – Rural District]

Silverman welcomed Robert Thompson to the meeting. Peard Blais asked for the location of the property. Thompson stated the first house on the left on Pine Road. Silverman asked if this was on Scott Pond. Thompson replied yes. Silverman requested a site walk occur. The group agreed. Jon Buschbaum – the applicant’s septic and wetlands representative – highly recommended the site walk as the applicant also wants to put in a driveway over wetlands crossings. At this time, the LUC described the background of the case, indicating that the applicant filed a septic design approval with the town. The town discovered work had occurred on the property that was not permitted and referred the case to Planning and ZBA. BethAnne Tatro – an abutter – asked why no information was provided, including the house proposed across the street. The LUC was then instructed to provide all details before Planning Board to Tatro.

The Planning Board scheduled a site walk for September 22, 2020 at 5:00pm.

Case # 20-9 Public Hearing: Shaun and Tania Curley – Site Plan Review for a home business at 347 Rhododendron Road. [Map 14, Lot 16.2 – Rural District]

Silverman welcomed the Curley’s to the meeting and asked if this was for a garage for a trucking company. Shaun Curley answered yes but also for personal items.

Silverman motioned to conduct a site walk. Barbara Young seconded. Curley asked why the walk was needed as the garage meets required setbacks and the only thing on the property is a foundation and house. Silverman explained that the application is for a home business. Curley questioned classifying this as a home business as there are no customers, traffic, or signs. He just works on his personal vehicles. Charley Kenison then presented an agenda from March showing Curley had a preliminary consultation scheduled for a home business on Jaffrey Road. Curley replied it was for a separate item and just inquired if it was allowed on the property there. They did not end up purchasing that property. He then stated this is just storage of personal trucks.

Young asked if employees would sometimes pick-up vehicles. Curley stated yes sometimes, but he felt that does not fit under the zoning rules for home business. Young asked if this is a satellite location. Peard Blais asked if this property is next to John Tommila’s and if the house is built yet. Curley indicated it is next to John Tommila but only the foundation is there. They would like to build a garage to house personal items and some trucks. Peard Blais followed up asking if just storing, or working on them. Curley replied he will work on trucks but his personal vehicles.

Kenison said the Town just invested \$100,000 in the road and more planned in the future. He requested that trucks be parked elsewhere when work is being done. Curley said that is not a problem as he did that in the past. Kenison then stated that the employees driving his trucks follow road rules and drive okay. There are about two trucks in the morning and at night. Peard Blais asked what kind of trucks. Curley said an 18-wheeler, couple of tri-axels, and pickups. Peard Blais followed up asking the age of them. Tania

Curley said they are not old but they are hard on them. Kenison asked if they mainly haul road materials. Shaun Curley said yes.

Peard Blais motioned to approve the Site Plan Review for trucking and storage for Shaun and Tania Curley at 347 Rhododendron Road. Craig seconded.

Young pointed out that this is in the rural district. Craig commented that it is confusing about home occupation vs home business. This situation does not seem to fit either and a Site Plan Review does not either. Craig seconded the motion as she is in favor of moving forward.

Silverman motioned to condition this approval that this does not become a vehicular repair shop and only work on personal vehicles is allowed. Craig seconded.

Young asked if any business is happening there now. Silverman replied yes, he is only to work on his own vehicles.

The motion with conditions passed.

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

Silverman then advised the applicant to apply for a building permit.

Case # 20-10 Public Hearing: Albert Pelletier – Minor Subdivision (2-lots) at 196 Rockwood Pond Road. [Map 17, Lot 4 – Rural District]

Silverman welcomed Albert Pelletier to the meeting. Chris Guida, a wetlands and soil scientist, then presented stating that the ZBA had approved their variance. He then reviewed the subdivision plan on the map and asked for waivers from some of the subdivision requirements [see application for waiver requests].

Peard Blais asked if this site was cleaned up from waste. Pelletier answered that the Superfund site abuts his property in Troy. The EPA uses his driveway as access to conduct their testing but it is a separate property. Peard Blais asked if this was the former Troy Mills sandpit. Pelletier replied yes on the Troy Side. The sandpit on the other property was contaminated. His property contains another sandpit but to his knowledge it is clean.

Silverman asked where the new subdivided property would be. Guida showed the location using the map. Pelletier explained that he wants his daughter to be able to build the house in her name. Silverman asked about all the outbuildings currently on the property. Pelletier replied they have a camper there where they live now. They plan to build a house with an in-law suite for him to live. He will then leave the remaining land to his grandson in his will. They currently have a construction permit from the BoS. Silverman asked if the driveway will provide access to the 45 acre backlot. Pelletier replied in the affirmative.

JC Woodward – an abutter – stated that his family owns lot 17-1 and 17-2 and also land in Troy. They have no objections to this subdivision as this will have no impact on their properties.

Peard Blais motioned to accept the subdivision as proposed. Haynes seconded.

Bill Pfeffer – an abutter – commented that he does not want a subdivision on his property. He is objecting to the Pelletier property being divided.

Young asked if hammerhead lots are allowed. Silverman stated it is allowed, but it would not be allowed if the property is further subdivided.

Mrs. Pfeffer – an abutter – stated they live at 152 Rockwood Pond Road and purchased the property in 2005. Several neighbors asked what their intentions were as the neighborhood did not want any subdivisions. Silverman replied that this property is a legal lot. Mrs. Pfeffer countered stating the applicant had to receive variances. She then asked what will be done with the remaining 58 acres. Silverman replied that the applicants would not be able to further subdivide as it will not have any frontage. Bill Pfeffer stated that they have been there since 2005 and have had to put up with trucking from the quarry for 13 years. Pelletier then commented that they should not have bought property by a pond that get 50 cars per day in summer. Mrs. Pfeffer stated that this would set a bad precedent for Fitzwilliam and the rural area. Silverman countered stating that ZBA does not make precedent. Mrs. Pfeffer asked why have rules if variances are approved.

Craig moved the question. Kenison seconded. Motion passed.

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

[Peard Blais motioned to accept the subdivision as proposed. Haynes seconded.]

Motion passed unanimously.

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

Follow-up Consultation: Gary Morin – Site Plan Review at 977 NH Route 12 South. [Map 4, Lot 63 – Rural District]

Silverman welcomed Gary Morin to the meeting and commented that the Planning Board received the parking map and asked if there are no further cars on the roadway. Morin replied in the affirmative and stated he would like to put up no parking signs along Cross Road. Silverman then outlined the parking plan, which will include parking for 41 vehicles – 15 for pick-up and 27 for vehicles being worked on – in an organized manner. Morin agreed and further commented that he tends to back in cars that have been completed. The side parking will have a fence in front and parking in general will be much neater than in the past.

Silverman motioned that Morin has met all conditions and can move forward. Craig seconded. Motion passed unanimously.

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

Young asked if the Planning Board needed to update the Notice of Decision. Silverman replied that a new Notice of Decision will be issued about Morin meeting all conditions and include the parking map.

Preliminary Consultation: DAV Veterans Retreat Center – Site Plan Review at 85 Pierce Road. [Map 2, Lot 11 – Rural District]

Silverman welcomed Frank Whitty to the meeting. Whitty stated that he has been a member of the DAV for 53 years and very involved with veterans reintegrating into society. They currently have two properties – Leominster and Fitzwilliam. The Veterans Hospice Homestead owned the property before and the DAV did not want it to go on the market so they acquired it. The prior use was a farm. Their intent is to turn it into a retreat house for veterans and family camping – Thursday through Sunday. There would be no permanent residents and no drug or alcohol treatment.

Whitty explained that he is a licensed contractor in NH, MA, and FL and has a building permit pending the outcome of tonight. They are looking to undergo a kitchen renovation, replacing R11 fiberglass insulation with spray foam insulation, upgrading the electric to code, redo the plumbing, install new fixtures, toilets and showers, upgrade the alarm system, replace the baseboards throughout, and upgrade the fire suppression system. The fire chief is aware and is pleased with the work so far. His organization is very enthusiastic about the project. Currently there is only one retreat facility in the USA that hosts women's retreats. They would like to make this a national retreat center for women. Whitty completed his presentation stating he felt this would be a positive change for the community.

Peard Blais asked if he worked with Leslie Lightfoot. Whitty said he was not familiar with the entire history, but does not know the previous organization. The property has been vacant for about three years. His organization is not affiliated in any manner with the previous organization. Whitty then respectfully asked to approve his construction permit and welcomed anyone to visit the property.

Peard Blais asked when they will construct the camping area. Whitty replied that they created a grove already and have begun constructing diamond shaped picnic tables. Family camping probably will not be done until next summer, though they are thinking of having a tester at the end of October/beginning of November. It is envisioned to have platform camping facilities, plus normal camping, and at least one wheelchair site. They plan conservation education, off-site animal husbandry, and use of hiking trails and maybe winter activities such as show shoeing and cross country skiing on their almost 80 acres.

Silverman stated he had no objections and felt there is nothing in the zoning tables making it objectionable. The first facility was good for at least a few years. Whitty concurs. Silverman then stated that the Planning Board had no objections and does not feel it is within their purview.

Preliminary Consultation: Dean Zirolli – Constructing of a shed within the WPOD at 257 Sunset Road. [Map 37, Lot 11 – Rural District]

Silverman welcomed Dean Zirolli to the meeting. Zirolli explained he would like to add a 10x16 foot shed on his property on Rockwood Pond. The shed would go approximately 56 feet from the water. The shed would be pre-made from Cheshire Shed and John Holman would prepare the pad.

Peard Blais asked the location of the property. Zirolli said 257 Sunset Road – almost at the end. It is right before the tennis courts, the small A-frame house. Zirolli then showed the survey map and explained the shed would be across from the basement door. He can move but it would then be in the woods.

Peard Blais asked if there would be a pad with cement. Zirolli replied crushed stone. Kenison asked if the shed will be on a skid. Zirolli said it is a wood floor that sits on stone. It is premade and the company just drops it off.

Haynes asked about the roofline. Zirolli indicated a peaked roof. Haynes further asked the pitch of roof. Zirolli said it will be the same as the A-frame and will drain away from the pond.

Peard Blais asked about gutters into drywells. Zirolli said the shed will have a metal roof. He can ask John Holman to expand the pad so the run-off will hit the stone. Peard Blais further asked if hard pack would be used. Zirolli indicated hard pack will be used to level the ground, but there will be crushed stone on top.

Silverman explained that the WPOD should be followed and advised him to work with the LUC.

Review of Minutes

Site Walk Notes of August 27, 2020

Haynes motioned to accept the site walk notes as written. Kenison seconded. Motion passed.

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

Planning Board meeting minutes of September 1, 2020

Peard Blais motioned to accept the minutes as written. Craig seconded. Motion passed unanimously.

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

Old Business

Junk and Junky Yards: Silverman wanted to know how to quantify what the BoS would like. He suggested a joint BoS meeting to find out their objectives.

With no further business to discuss, **Silverman motioned to adjourn. Haynes seconded. Motion passed unanimously.**

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

The meeting was adjourned at 8:42pm.

Respectfully Submitted,

Lori Nolan

Land Use Coordinator

Minutes approved as amended on October 6, 2020.