

TOWN OF FITZWILLIAM

PLANNING BOARD

Minutes

March 1, 2022

Planning Board Present: Suzanne Gray, Chairman; Paul Haynes, Vice Chairman; Robin Peard Blais, Secretary; Barbara Young; Nolan Buonomano; Ed Goodell, Alternate; and Robyn Bates, Selectmen's Representative.

Planning Board Absent: Karen Craig.

Staff Present: Lori Nolan, Land Use Coordinator.

Guests Present: Tom Rothermel; Joe Fournier; John & Lynda Hunt (remote); Josh Joslyn; Susan Silverman; and Heather Western.

Chairman Suzanne Gray called the meeting to order at 7:01 pm and held roll call. With the absence of one Board member, Ed Goodell (alternate) was seated as a voting member.

Case # 22-01: John Hunt – Conditional Use Permit (WPOD) – Driveway affecting wetlands at Fullam Hill Road. [Map 4, Lot 57 – Rural District]

Gray welcomed Josh Joslyn, engineer from GRAZ Engineering, and John Hunt, applicant, to the meeting. Joslyn stated he revised the plans based on Conservation Commission's concerns. Gray then read the three concerns from the Conservation Commission.

1. The adequacy of the culvert and its ability to handle surface flow into the wetlands. There was no study or rationale behind choosing a 12" culvert that extends 16 feet.
2. There is no appearance of there being a re-vegetation plan, especially on the slopes. The tree removal has not been completely mitigated.
3. There is a lack of information on the full area of the wetlands, including depth. The surface area has been addressed but the depth of the wetland has not been investigated.

Joslyn summarized the case stating that after running a hydrology report, they now have proposed three 12" culverts to drain water to accommodate a 50-year storm. The proposal will impact 2,580 square feet of wetlands, but the wetlands will be replicated on the southeast side of the proposed driveway. Hunt owns a 50 foot access strip off Fullam Hill Road, which currently provides access to two properties via a right-of-way. The proposal has also been updated with a 12" wide, 12" deep stone trench to capture any gravel run-off. They will also loam and seed all disturbed areas, except for the gravel areas and the new wetland. Joslyn stated the dark bolded line on the plans indicate the location of the gravel trenches on the revised plan.

Barbara Young asked where the driveway will go or if it just ends. Joslyn stated he was only hired to engineer a driveway through the wetlands area. He is unsure of any further plans. Hunt stated the proposed driveway will connect with Sunridge Farm Road. It will begin at 719 Fullam Hill Road, then meet up with "Shuster Road" or "Rindge Fire Lane 102", follow the reservoir and eventually lead into Rindge. Hunt stated there must be a driveway for a lot to be a lot of record.

Ed Goodell asked if any increased traffic is expected on Fullam Hill Road. Hunt explained that renters of the "Castle" stay there for their entire stay. They restrict the property to a maximum of 10 cars. "Shuster Road" receives a lot of traffic from Fitzwilliam residents cutting through to Market Basket. If denied, Hunt felt the lot would not be allowed to be developed as designed at time of subdivision. Gray asked how many accesses the property currently has. Hunt stated there are two – 719 Fullam Hill Road and Savola Drive. He did not feel that the proposed driveway would direct anyone to the "Castle" and renters would continue to use Savola Drive. Gray asked that she had maps showing other access roads to the property. Hunt acknowledged access from the Rindge side, but this location is the access to the Fitzwilliam property. Robin Peard Blais asked if Hunt will use this access himself. Hunt replied yes when he heads to Keene.

Young was confused with terminology as both driveway and road was being used. She asked if this proposal is for a road or a driveway. She felt it is more road like. Hunt stated it is a driveway to the lot and the reservoir area.

Gray asked what the use of the reservoir area will be as there is a large area that has been cleared. Hunt stated that his daughter will revegetate the area using native plants.

Tom Roethermel, abutter, asked if the driveway to the property is in Fitzwilliam or Rindge. Gray stated Fitzwilliam but the abutting properties are in Rindge. Joe Fournier, abutter, explained that "Shuster Road" has a gate preventing public access. Fournier further commented that he has water issues on his property. He is concerned this proposal will cause more water on his land as he has the lowest land in the area. Joslyn explained they are not changing any drainage. The driveway area is also 10 feet lower than Fournier's property. Fournier has a saddle point.

Peard Blais asked if there have been any prior cases that gained approval but had problems later requiring recourse. Gray said there was one case but legal counsel felt it was difficult to handle after the fact. Paul Haynes commented that we do not have a current conditions report to compare to. Joslyn said he ran a computer simulation of the watershed to determine the number of culverts needed. For the soil type present, the wetlands should only be 3-6" deep. They are proposing to move that wetland soil to the new replicated wetland.

Gray had some questions that she could not get past in regards to the required WPOD criteria questions (127-16.1:D-5), specifically that no reasonable alternatives exist. Joslyn stated that if the proposed driveway went straight, instead of the hard turn, there will be more wetland disturbance. Young agreed with Gray stating that she could see construction of the driveway if there was no other access, but there are other access ways. Hunt stated that they want to consider at some point possibly building. He wants to maintain a lot of record to possibly build in the future. Nolan Buonomano asked if the point of the proposal is to connect to other internal roads. Hunt stated the driveway will jog for about 100 yards but this driveway will get you to the dam. Gray commented about the requirement of less than 5,000 square feet of wetland disturbance or less than 10% of the WPOD on the property. She was unsure of how much wetlands is present. Goodell agreed and stated the Planning Board cannot determine if less than 10% of WPOD because the entire lot had not been delineated. Haynes and Joslyn felt the proposal is much less than 10% as there is an abundance of wetlands on this property.

Gray asked if there are any plans for the revegetation or planting of trees as she had concerns about run-off. Joslyn stated there are no regulations for restoration of trees; just for wetlands. He explained they added trenches and seeding to control run-off. He further explained that wetlands typically do not have depth. They just have top soil. Their proposal is to transplant the soil to the replicated wetland.

Gray commented that the far end of the driveway has already been built. She still did not know if this is the area of least impact. Hunt stated the proposed plan is the only way. A very large area is wetlands. Hunt is okay with waiting until spring to visit the property at the wettest time.

Young wanted to recognize that the applicant has listened to feedback and revised the plan to make it better. But she would like to visit the property again in the spring. She asked why the trenches end and do not continue the entire length of the driveway. Joslyn explain they are proposed only in the area where they are needed.

Gray requested the following items:

1. Hydrology report to be submitted in electronic format;
2. How much of the property is wetlands;
3. Information on how deep the wetland and soil is, including auger samples;
4. Replanting plan for trees that are removed.

Fournier asked if access now is provided through "Shuster Road", why the need for a second access? Hunt explained the proposal is the access way. The 50 foot access is the frontage for the property.

Peard Blais motioned to secure a hydrologist to determine the following areas of attention.

1. **Water run-off**
2. **Water mitigation plan**
3. **Depth of wetland soil**

Young seconded. Motion passed unanimously.

Yes: 7 [Gray; Haynes; Peard Blais; Young; Buonomano; Goodell; Bates]; No: 0; Abstained: 0

Gray motioned to conduct a site walk on Saturday, April 16, 2022 at 8:00am. Young seconded. Motion passed unanimously.

Yes: 7 [Gray; Haynes; Peard Blais; Young; Buonomano; Goodell; Bates]; No: 0; Abstained: 0

Gray motioned to continue the public hearing until Tuesday, April 19, 2022 at 7:00pm. Peard Blais seconded. Motion passed unanimously.

Yes: 7 [Gray; Haynes; Peard Blais; Young; Buonomano; Goodell; Bates]; No: 0; Abstained: 0

Preliminary Consultation: Trent Muhonen – Minor Subdivision (2-lots) with Hammerhead lot – at Fullam Hill Road. [Map 12. Lot 38 – Rural District]

Gray welcomed Trent Muhonen to the meeting. Muhonen showed the Planning Board a drawing of his intended subdivision. The lot currently has 408 feet of frontage and 11.5 acres. The proposal would be for the hammerhead back lot to have 8.5 acres and the front lot to have 3 acres. Gray advised him to come back before the Planning Board with a surveyed plan and the wetlands delineated. Muhonen did not think there were any wetlands present. He explained the property slopes downhill on the back of the lot.

Tom Rothermel, abutter, stated there is a lot of water in the area. He think if there is development on this lot, his lot will get wet. He requested wetlands delineation. He is against a house on the proposed front lot if development upsets the hydrology.

Heather Western, abutter, lives across the street. She had concerns about more deforesting and additional lots. She would like to keep the neighborhood rural. Gray stated that the Planning Board must follow the zoning regulations. But hammerhead lots will be reviewed.

Rothermel commented that there is a brook on the property. He is unsure where the water flows to. Young commented that the amount of wetlands could affect applicants.

Peard Blais had concerns about the mention of buried stumps. She wonder if the current property owner buried any stumps on the Turner Road property. She stated it is illegal to bury stumps.

Preliminary Consultation: Creek Boutique and Consignment (Sharon Thomas) – Site Plan Review at 10 NH Route 12 South [Map 34, Lot 1 – General Business District]

The applicant did not show.

Minutes Review

Young motioned to approve the minutes of February 15, 2022 as written. Buonomano seconded. Motion passed unanimously.

Yes: 7 [Gray; Haynes; Peard Blais; Young; Buonomano; Goodell; Bates]; No: 0; Abstained: 0

Old Business

Ordinances:

Peard Blais asked if there will be any discussion surrounding tiny homes. Gray gave an update on the discussion which took place in the previous meeting in regards to tiny homes.

Master Plan Update:

Gray stated the Community Forum will occur on March 26 from 10:00am until 3:00pm. Buonomano will facilitate the Housing and Population break-out session.

With no further items to discuss, the meeting was adjourned at 8:43 pm.

Respectfully Submitted,
Lori Nolan
Land Use Coordinator

Minutes approved as written on March 15, 2022.