

TOWN OF FITZWILLIAM

PLANNING BOARD

Minutes

April 19, 2022

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

Planning Board Absent:

Staff Present: Lori Nolan, Land Use Coordinator.

Guests Present: Joe Fournier; Beth Vanney; Josh Joslyn; John Hunt; Carl Hagstrom; and Neil Olson.

Chairman Suzanne Gray called the meeting to order at 7:00 pm and held roll call. JEF Craig sat in for Martin Nolan as the Selectmen's Representative.

Public Hearing (continued)

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

Gray gave a brief history of the case. She updated the Planning Board stating that Josh Joslyn, agent from GRAZ Engineering, has submitted the requested documents and information. Joslyn then presented the new plans. He stated that additional tree plantings of red maple will be planted in the replicated wetland. They will be planted 12 feet apart. He has also calculated the total amount of wetlands on the property by using GRANIT. The disturbed wetland area equals 1.5% of the total wetlands on site. He has also updated the plans to show the existing driveway network on site and the approximate cut-in line to connect the proposed driveway to the existing network. Joslyn confirmed that a culvert was installed near the intersection of the new driveway and existing driveway. Joslyn explained the submitted watershed plan. This was created by surveying the property. John Hunt confirmed that the existing driveway is known as either Sunridge Farm Road Extension or Fire Route 102.

Joslyn explained the hydrology/culvert report. With the inclusion of three culverts, water will pass through during a 50-year storm that has 6.71" of rain fall. Paul Haynes asked how much rain is involved in a 100-year storm. Joslyn was unsure. Beth Vanney, member of Conservation Commission, commented that the July storm had 7.5" of rain in 5 hours.

Gray asked what the depth of the wetland is. Carl Hagstrom, certified wetlands scientist, explained the wetland consists of poorly drained soil. In the growing season, the ground is mostly dry. In the winter months, there is more sitting water. There are also pockets of very poorly drained soil. Joe Fournier, abutter, commented that he has year round water on his land. Currently there is 6" of standing water in his backyard. Fournier asked how much fill would be brought in. Joslyn stated they will bring the grade up two feet in the wetlands area. Outside of the wetlands area, the natural grade will remain.

For the replicated wetland, they are proposing to transport 1:1 of the topsoil from the old to the new. Vanney commented that the depth of the wetland is not just the topsoil. She would like to know more than just the topsoil information. She questioned if the replication plan is adequate as it might create a bowl. Hunt stated that the intent is to move and replicate the wetland, not just skim. They will take all organic soil. There is enough room to make the replicated wetland bigger if need be. Joslyn explained Note 3 on the plans: "6 inches +/- of new organic rich topsoil shall be place in the prepared area. Topsoil should be obtained preferably from the proposed crossing. If additional soil is needed, topsoil from an authorized local wetland dredging may be used."

Gray made mention of the DES letter (2021-03638) requesting more information. DES is linking the dam project and the driveway project. Hunt explained how they constructed the dam – rolled compacted concrete dam. Instead of using concrete forms, they used rocks as the forms. However, during the July rainstorm, the rocks were washed away. The current dam project is to replace the rocks. Gray asked Hunt to follow up with the DES letter dated February 24, 2022 and asked for a copy of the follow-up responses as the Planning Board are requesting the same details. Hunt was agreeable to that.

Nolan Buonomano asked how many vehicles will travel the proposed driveway per day. Hunt stated that right now, no one uses it as there are multiple accesses to the property. The purpose is to give the lot its own driveway. There will be no traffic because there is no house. He estimates only he will use the driveway. Hunt further explained that the Sunridge Farm Road gate is only closed when there are renters and that cuts down on cut throughs. The issue with the Rindge neighbors is more about how renters arrive and the gate. They must stop and unlock the gate, which has potential to disrupt the neighbors. He reconsidered access and wants Google to direct them on Sauvola Drive. Shuster has a chain link fence but never closes it due to low traffic volume. The "Castle" property is limited to 22 people and only 10 cars. Renters are not the cause of the traffic as they prefer to stay on property their entire stay. Robin Peard Blais commented that this might be an issue to the neighbors on the shared driveways. Hunt did not think it is fair to prevent access due to abutting properties. He stated this is a wetlands project only.

Gray stated there is a driveway agreement with the three lots. The driveway is for residential use only. Barbara Young added that the current abutters pay maintenance. If Hunt builds, then one third of the costs will be paid by each of the three properties. This is not going to be developed so the two neighbors will need to pay maintenance for the entire shared portion. Hunt confirmed that if anything happens, he will pay for all maintenance. Young asked what the maintenance plan will be through the wetlands area. Hunt stated to just look at the current internal roads. There is constant maintenance occurring. Gray commented that the shared portion is very narrow with wetlands on both sides. She felt if this access is used to access the "Castle", it could be changing the use from residential to commercial. Hunt stated there is a case before the Supreme Court that this use is residential. Rindge determined it is a residential use. If the plan is rejected due to traffic to the "Castle", he will litigate the case in court. There is no evidence people will use this when Sauvola Drive is available. Ed Goodell questioned if this is a road or a driveway. Is there an issue if the driveway goes to another lot and not to a residence? Buonomano felt that because there is a gate, it is not considered a through-fare. Hunt stated there are no plans to build on the lot. However, it is a perfect spot for a house. He wants access to the lot first. If he builds, it would be by the dam. It is appropriate for this lot to have its own driveway to build if he wants to. The wetlands legislation is to have a no net-loss of wetlands.

Fournier stated that he had well trouble in November. They dug down four feet and had to continuously pump water out to conduct the work as the water table was so high.

Tom Rothermel commented that on the site walk, Hunt stated he wanted a house number by the road to get to the "Castle" easier. Hunt stated it was just an idea and can be cancelled. Rothermel felt there is potential to have 10-12 cars use that driveway at a time. Young felt all abutters needed to be taken into consideration.

Gray detailed Conservation Commission's comments from their meeting the previous night. Peard Blais suggested that no salt be used on the driveway in the winter time. Hunt was agreeable to that.

Gray stated that Tom Peragallo will be sent a Request for Proposal as a hydrologist. Buonomano asked who pays. Gray stated the applicant.

Peard Blais motioned to hire Tom Peragallo to study the following items. Goodell seconded. Motion passed.

Yes: 5 [Gray; Peard Blais; Buonomano; Goodell; Craig]; No: 0; Abstained: 2 [Haynes; Young]

1. Overall review of the replication plan;
2. Volume of water in the impacted wetland;
3. Depth of the impacted wetland;
4. If the proposed 50-year storm culverts are adequate to handle the water flow with the increase in severity and frequency of 100 year storms and seasonal changes;
5. If the replication plan is adequate and if the replication will have the same functionality as the current wetland;
6. If the revegetation and seeding of the drainage ditches will be adequate to minimize or eliminate runoff and erosion;
7. Comment on potential impact of the project exacerbating or creating water issues for the abutters; and
8. Any potential effects of future driveway salt/maintenance on the wetlands.

Young questioned who will conduct inspections to ensure that the vegetation takes. Joslyn indicated that Paul Grasewicz will conduct the inspections.

Gray motioned to continue the public hearing until May 17 at 7:00pm. Haynes seconded. Motion passed unanimously.

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

Public Hearing

Case # 22-02: Nathan and Lorraine Olson Revocable Trust / Neil and Ellinor Olson – Boundary Line Adjustment at NH Route 119 West and 285 Richmond Road [Map 10, Lots 83-2 and Lot 83-4 – Rural District]

Gray welcomed Neil Olson, property owner, and Josh Joslyn, agent with GRAZ Engineering, to the meeting. Joslyn explained that 126,288 square feet will be transferred from Lot 83-4 to Lot 83-2. Olson explained that Lot 83-4 is under agreement and the new owners are aware of the boundary line adjustment. He also confirmed that there has been no damage to the property following the excavator fire on Lot 83-2.

Gray made mention to Note #9 for culvert work. The previous boundary line adjustment had conditions added for water bars and a culvert to be installed. Olson stated that the water bars have been installed to control water flowing down the logging road. He thinks it is working well. Once the weather improves, they will be adding more rocks. Gray stated that the Planning Board may suggest that code enforcement be sent to view the culverts from the August 4, 2021 Notice of Decision conditions. She commented that there is no reason to believe the conditions were not adhered to.

Gray motioned to approve the Boundary Line Adjustment between Nathan and Lorraine Olson Revocable Trust / Neil and Ellinor Olson at NH Route 119 West and 285 Richmond Road - Map 10, Lots 83-2 and Lot 83-4 – in the Rural District. Haynes seconded. Motion passed unanimously.

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

Gray motioned to adopt the following conditions. Haynes seconded. Motion passed unanimously.

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

Conditions:

1. Water bars are to be constructed at 45-60° angles using riprap to direct water flow from the wetland, which starts above and runs alongside “Woods Road”, and away from the driveway.
2. Applicant must install a culvert, following the requirements of the Fitzwilliam’s Director of Public Works, with a small berm to slow down water movement on the east side of Map 10, Lot 83-2 at location S 70° 30’ 08” W on the Boundary Line Adjustment plan as prepared by Paul F. Grasewicz dated June 15, 2021.
3. Applicant must repair the existing culvert on “Woods Road”.

Minutes Review

After a brief discussion and two minor edits, **Buonomano motioned to approve the minutes of April 5, 2022 as amended. Haynes seconded. Motion passed.**

Yes: 5 [Gray; Haynes; Peard Blais; Young; Buonomano]; No: 0; Abstained: 2 [Goodell; Craig]

Old Business

Stone Pond Dam Removal: The LUC updated the Planning Board on the Letter of Support requested by the dam team.

Site Plan Review checklist: This topic will be discussed at the May 17 Planning Board meeting.

New Business

Public Engagement: JEF Craig wanted to brainstorm ways on how to engage the public and/or display plans and documents better at meetings. He requested this topic be discussed at the joint meeting. Gray mentioned that some towns publish board packets online. Rothermel commented that not all meeting minutes are available online, like Fire Wards and Recreation.

Announcements/Communications

The ODP Conference will take place on April 30 or May 7. The May 7 date will offer a new session on Housing. All sessions will be archived online after the conference.

Summer Schedule: There will be no Planning Board meeting on July 5, 2022.

ARPA Allocation: Craig updated the Planning Board on ARPA allocation. The funding provided under ARPA provides a unique opportunity for Municipalities to make strategic investments in long-lived assets, rebuild reserves to enhance financial stability, and cover temporary operating shortfalls until economic conditions and operations normalize following COVID times.

To date the Town of Fitzwilliam has received \$162,513.00 in ARPA Funds and based on communication anticipates additional funding this summer.

Each time the Town receives funds like this they are considered unanticipated income, and the Town has given the Selectmen the responsibility to receive and expend such funds.

In the summer of 2021, after the Town received the first ARPA funds allocation, the selectmen held a public hearing prior to officially accepting the funds. Shortly after, a notification was sent to all Town Commission, Board, Committee and Stakeholders asking for their suggestions of how the funds might best be used. Welcomed Feedback was received by January 15, 2022, and now the selectmen are participating in an ongoing process to determine how best to allocate the funds to have a maximum positive impact on the Town.

To date the only allocation of funds was in place of the annual warrant ask for allocation to the Police Cruiser Expendable Trust of \$25,000.00 in an effort to reduce this year's CIP requests.

The Selectmen will periodically communicate future allocations of ARPA FUNDS to stakeholders and the public at large, along with considerations involved in decision making.

With no further items to discuss, Buonomano motioned to adjourn. Haynes seconded. Motion passed unanimously.

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

The meeting was adjourned at 9:00 pm.

Respectfully Submitted,
Lori Nolan
Land Use Coordinator

Minutes approved as written on May 17, 2022.