

TOWN OF FITZWILLIAM

PLANNING BOARD

Minutes

August 16, 2022

Planning Board Present: Suzanne Gray, Chair; Robin Peard Blais, Secretary;; Barbara Young; Ed Goodell; Tom Rothermel; and Brian Doerpholz, Selectmen's Representative.

Planning Board Absent: Paul Haynes, Vice Chair.

Staff Present: Lori Nolan, Land Use Coordinator.

Guests Present: Richard Marshall; Rik Ekstrom; Mike Ploof; Ryan Roy; Albert Pelletier; Patrick Tully; Jack Tully; PJ Tully; Steve Longley-Martines; JC Woodward; Joshua Brackett; Andrew Royce; Sheena Royce; Steve Filipi; Charlie Lawrence; Sebastian Barthelmess (remote); Karen Viens; Robyn Bates.

Master Plan Working Session

Chair Suzanne Gray called the working session to order at 6:32 pm. Gray gave a high level overview of the Master Plan and its current status. The Steering Committee is drafting the Master Plan and South West Region Planning Commission will serve as a technical advisor who will edit and streamline the chapters. Rik Ekstrom, chair of the Steering Committee, explained the Master Plan will be a web-based document (with a printed version) that will be kept updated. Richard Marshall, Steering Committee vice chair, discussed the 12 chapters. Gray read through the draft goals.

Planning Board Public Meeting

Gray called the public meeting to order at 7:04pm, held roll call, and reviewed the meeting protocol/ground rules.

Public Hearing – After the Fact – continued

Case #22-05: Sebastian and Rebecca Barthelmess – Conditional Use Permit – to allow construction of a dwelling within the WPOD at 37 Old Turnpike Road. [Map 26, Lot 6 – Rural District]

The applicant was not in attendance.

Gray motioned to continue the public hearing of Case #22-05 to September 6, 2022 at 7:45 pm. Robin Peard Blais seconded. Motion passed unanimously.

Yes: 6 [Gray; Peard Blais; Young; Goodell; Rothermel; Doerpholz]; No: 0; Abstained: 0

Ryan Roy, abutter, asked if the property can be used. Brian Doerpholz explained that the property is not to be used and Barthelmess has received another letter from the BoS. This will be discussed at tomorrow's BoS meeting.

Preliminary Consultation

Ketola Contracting LLC and David and Nancy Stacy – Boundary Line Adjustment at 189 Rhododendron Road and Rhododendron Road. [Map 14, Lot 40-2 and 40-3 – Rural District]

Gray welcomed Mike Ploof, agent from Fieldstone Land Consulting representing the applicants, to the meeting. Ploof presented stating that the applicants of Lots 40-2 and 40-3 are proposing an equal land swap of 3,843 square feet to facilitate buildable land on Lot 40-2. There will be no change in lot size or frontage. Gray commented that there was a lot of abutter input during the original subdivision hearing. She requested that the property owners leave as many trees as possible.

Gray motioned to continue Case #22-05 (Barthelmess) to September 6, 2022 at 8:00pm. Ed Goodell seconded. Motion passed unanimously.

Yes: 6 [Gray; Peard Blais; Young; Goodell; Rothermel; Doerpholz]; No: 0; Abstained: 0

Gray motioned to open the public hearing for Ketola Contracting and David/Nancy Stacy on September 6, 2022 at 7:45pm. Tom Rothermel seconded. Motion passed unanimously.

Yes: 6 [Gray; Peard Blais; Young; Goodell; Rothermel; Doerpholz]; No: 0; Abstained: 0

Minutes Review

After a brief discussion and one minor edit, **Peard Blais motioned to approve the site walk notes from August 9, 2022 as amended. Young seconded. Motion passed unanimously.**

Yes: 6 [Gray; Peard Blais; Young; Goodell; Rothermel; Doerpholz]; No: 0; Abstained: 0

Public Hearing – continued

Case #22-07: Stephen Longley-Martines – Conditional Use Permit – To permit a roof pitch change and the conversion of a rear deck into a sunroom within the WPOD at 76 Lakeside Drive (Woodbrook). [Map 42, Lot 2-77 – Rural District]

Gray welcomed Steve Longley-Martines to the meeting. Doerpholz stated that he was present during the ZBA hearing for this case when the variance was approved. The Planning Board was okay with Doerpholz continuing as a voting member for the Planning Board.

Longley-Martines presented his proposal to include a 12x8 foot sunroom (real windows) with a peaked roof pitching to the sides. This room will not be heated, but will have electricity. He will install gutters into a drywell(s). He will protect the existing vegetation. The decking will be made of composite decking.

Goodell questioned if additional vegetation is needed. Longley-Martines commented that he has not done any yard work since purchasing the property. The Planning Board reviewed the Conservation Commission's comments.

Longley-Martines confirmed that he has applied for a shoreland permit with NHDES.

The Planning Board voted on the required criteria for a wetlands conditional use permit.

- a. Yes: 6 [Gray; Peard Blais; Young; Goodell; Rothermel; Doerpholz]; No: 0; Abstained: 0
- b. Yes: 6 [Gray; Peard Blais; Young; Goodell; Rothermel; Doerpholz]; No: 0; Abstained: 0
- c. Yes: 6 [Gray; Peard Blais; Young; Goodell; Rothermel; Doerpholz]; No: 0; Abstained: 0
- d. Yes: 6 [Gray; Peard Blais; Young; Goodell; Rothermel; Doerpholz]; No: 0; Abstained: 0
- e. Yes: 6 [Gray; Peard Blais; Young; Goodell; Rothermel; Doerpholz]; No: 0; Abstained: 0
- f. Yes: 6 [Gray; Peard Blais; Young; Goodell; Rothermel; Doerpholz]; No: 0; Abstained: 0
- g. Yes: 6 [Gray; Peard Blais; Young; Goodell; Rothermel; Doerpholz]; No: 0; Abstained: 0
- h. Yes: 6 [Gray; Peard Blais; Young; Goodell; Rothermel; Doerpholz]; No: 0; Abstained: 0

Gray motioned to approve the Conditional Use Permit, subject to the following conditions. Peard Blais seconded. Motion passed unanimously.

Yes: 6 [Gray; Peard Blais; Young; Goodell; Rothermel; Doerpholz]; No: 0; Abstained: 0

Conditions:

1. Gutters are to be installed with the runoff directed into drywells;
2. All existing vegetation must be maintained. Native vegetation should be planted between the main structure and the pond.
3. Silt fencing, filter socks, or equivalent products must be installed prior to construction and maintained throughout construction to prevent debris from entering the wetland.
4. A dumpster must be obtained to remove all construction debris.
5. Applicant must obtain NHDES approval and a Fitzwilliam construction permit.

Longley-Martines thanked the Planning Board and left the meeting.

Public Hearing

Case #22-08: Woodward Family LLC and Albert Pelletier, Alicia Pelletier – Boundary Line Adjustment at 253 Rockwood Pond Road and Rockwood Pond Road. [Map 17, Lots 2 and 4 – Rural District]

Gray welcomed JC Woodward, applicant, and Albert Pelletier, applicant, to the meeting. Goodell stated that he is a neighbor but this case has no impact on him. The Planning Board was okay with him continuing as a voting member.

Woodward explained that he would like to acquire .24 acres of land from Pelletier. This area is by the Rail Trail and Rockwood Pond Road. He has no plans to change anything except ownership. Pelletier commented that he plows the area in the winter but most people park on town property.

Barbara Young motioned to approve the Boundary Line Adjustment between Woodward Family LLC and Albert/Alicia Pelletier at 253 Rockwood Pond Road and Rockwood Pond Road - Map 17, Lots 2 and 4 in

the Rural District. Peard Blais seconded. Motion passed unanimously.

Yes: 6 [Gray; Peard Blais; Young; Goodell; Rothermel; Doerpholz]; No: 0; Abstained: 0

Preliminary Consultation

Ronald and Beth Herrick – Boundary Line Adjustment at 144 Putney Road and Kemp Brook Road. [Map 6, Lot 42 and Map 2, Lot 20 – Rural District]

The applicant was not in attendance.

Minutes Review

After a brief discussion and one minor edit, **Peard Blais motioned to approve the minutes from August 2, 2022 as amended. Goodell seconded. Motion passed.**

Yes: 5 [Gray; Haynes; Peard Blais; Young; Goodell; Rothermel]; No: 0; Abstained: 1 [Doerpholz]

Preliminary Consultation

Patrick and Eileen Tully – Home Business Site Plan Review – to permit a cordwood business at 42 Howeville Road. [Map 20, Lot 2 – Rural District]

Gray welcomed Patrick Tully to the meeting. Tully explained that they already cut firewood for personal use. He is proposing expanding this to sell firewood for profit as way for his teenage sons to earn some money. They currently receive a log truck worth of logs every 1.5 years. He is hoping to sell 6-10 cords per year. Gray explained the home business regulations. Part of the regulations require there to be no impact on the neighbors. Young added how this expansion can become wood manufacturing, according to regulations, which can interfere with the rural environment. Personal use is okay, but for profit equates industrial use. Rothermel asked about delivery. Tully anticipated using a dump trailer.

Gray advised Tully that the next step is a Site Plan Review; however, the Board may have issues with the application based on other previous cases. Young felt there is a need for cut wood but the impact to neighbors could be problematic. Tully asked if there is a production threshold. Peard Blais felt this proposal was different from previous cases. This will have a much lower production level. She felt the application could be successful if some of the work is done by hand.

Gray advised Tully to apply for the Site Plan Review. If he is denied, he can apply to obtain relief from the ZBA. Doerpholz explained the variance process.

Preliminary Consultation

Filipi Contracting LLC – Major Subdivision (4-lots) at 45 Upper Troy Road. [Map 15, Lot 6-12 – Residential and Rural Districts]

Gray welcomed Steve Filipi, applicant, and Charlie Lawrence, surveyor, to the meeting. Filipi explained that he previously received approval for a 9-lot subdivision, but he rescinded it. He later executed a 4-lot subdivision. One condition of the subdivision was that he had to wait 10 years to further subdivide. It has been about 12 years now. Filipi is proposing to subdivide the lot into four lots – with three lots in the front along Upper Troy Road and one large lot in the back.

Gray commented that this property is in two zoning districts – residential and rural. Lawrence handed out the preliminary map. The regulations allow lots to be extended into another zoning district by 30 feet. Filipi stated there are very little wetlands on the proposed new lots and there are no regulations in regards to aquifers. He felt the 9-lot cluster subdivision previously approved would have ruined the land.

Peard Blais asked if the Water District has asked for rights to any of the wells. Filipi stated they do not utilize them now. He would sell the land to the Water District but he cannot donate it. The BoS released all rights to the wells. He thought that three landowners may have rights. Filipi has no plans to do anything with the wells as they are deeded. Lawrence stated the water did not appear to be potable.

Filipi stated that the property has 235 feet of frontage. They would need to obtain relief from the ZBA.

Gray asked if the common drive for this lot is shared with Lots 6-14 and 6-15. Filipi confirmed. The three proposed new lots would have driveways on Upper Troy Road. The back lot and tower would continue to utilize the common drive. The 235 feet is to satisfy frontage requirements only. Lawrence confirmed that the plan will not have any additional lots on the common drive. They are only subtracting land to create three new lots with those driveways off Upper Troy Road.

Lawrence stated that the wetlands have been delineated. The front lots are fairly wetlands free. Lot 2 is fairly wet but has 80,000 square feet of usable land. He felt taking 4.4 acres of land out of 40 acres total has a minimal land impact. Lawrence had no concern about receiving NHDES approval for the lots and septic. He felt building one 9-bedroom house would have the same impact to the land as three 3-bedroom houses. Gray wanted to respect the studies and information in the property file. Filipi felt the Planning Board went down rabbit holes that it should not have during the previous subdivision case. Filipi commented that aquifers are not part of town regulations.

The Planning Board requested that the driveway easement be added to the plan and the wetlands delineated. Filipi stated that the driveway is existing and won't change. The houses on the proposed new lots will not be built by the road. Rothermel wanted to research the regulation allowing a district to be extended 30 feet into another district.

Gray advised Filipi to obtain frontage relief from the ZBA. The Planning Board will hold another preliminary consultation on September 20.

With no further business to discuss, **Rothermel motioned to adjourn the meeting. Peard Blais seconded. Motion passed unanimously.**

Yes: 6 [Gray; Peard Blais; Young; Goodell; Rothermel; Doerpholz]; No: 0; Abstained: 0

The meeting was adjourned at 9:19 pm.

Respectfully Submitted,
Lori Nolan
Land Use Coordinator

Minutes approves as amended on September 20, 2022.