

TOWN OF FITZWILLIAM

PLANNING BOARD

Minutes

September 6, 2022

Planning Board Present: Suzanne Gray, Chair; Paul Haynes, Vice Chair; Barbara Young (remote); Ed Goodell; and Martin Nolan, Selectmen's Representative.

Planning Board Absent: Robin Peard Blais, Secretary; Tom Rothermel.

Staff Present: Lori Nolan, Land Use Coordinator.

Guests Present: Isaac Morse; Sharon Thomas; Mike Ploof; Josh Joslyn; John Hunt; Joe Fournier; Paul Kotila; John Heikkinen; Marcus Casavant; Matt Lundsted (remote); Bob Hartzel (remote); Joanne Correia (remote); Susan Silverman (remote); Jesse Bookspan (remote); Sebastian Barthelmess (remote); Rebecca Barthelmess (remote); Sean O'Donnell (remote).

Gray called the public meeting to order at 7:00pm, held roll call, and reviewed the meeting protocol/ground rules.

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 summarized the case stating this is a continuation of the public hearing. The Planning Board has conducted several site walks, had an independent peer review, and the applicant has adjusted plans accordingly.

Bob Hartzel, hydrologist from CEI, presented stating they conducted a site walk on August 11. They found that the top of the ponding is 18+/- inches. He then reviewed the submitted report. They found the proposal is a suitable place for replication. He would like to see micro-topography on the bottom of the replication wetland, compared to a flat bottom. Hartzel requested 18" of wetland material. Josh Joslyn, agent representing the applicant, confirmed that there will be a 3:1 slope to get out of the wetlands and the bottom of the replication wetland will have micro-topography. Hartzel stated that all recommendations of CEI have been implemented in the amended plan.

Matt Lundsted, hydrologist from CEI, stated that the wetland in the proposal is not a strung-out wetland. Most of the wetland is to the north and east and is approximately 4-5 acres in size. He had no expectation that any abutters will see any water impact from this proposal as all water is being directed to the reservoir. He discussed the far existing culvert stating that it is sized adequately and there is no evidence of any overtopping or erosion velocity.

Ed Goodell asked how the fixed test spots are chosen. Joslyn stated that they are the same spots tested each time and are of different elevations levels. Hartzel agreed stating that test spots should represent the area as a whole. Martin Nolan commented that vegetative plantings are very important. Barbara Young wanted to ensure that all recommendations are included on the drawing, like the monitoring plan, various seeding and plant types, etc.

Lundsted commented that the culverts along the proposed driveway/road are sized correctly. They are sized for a 50-year storm and estimated just under capacity for a 100-year storm. Goodell wanted to ensure that the culverts are cleaned properly. John Hunt, applicant, stated that he stays on top of cleaning and maintenance of all culverts.

Gray asked about the monitoring plan – who does it and who do they report to? Hunt appreciated the process and is committed to being a model project. GRAZ Engineering will be on site whenever excavation and work are being done. They can also submit completed construction plans to the Town. Joslyn confirmed that he will be in charge during the replication construction but Hunt will need to hire a wetlands scientist to monitor.

Gray asked about the replicated wetland drying out. Hartzel did not feel that was a concern as the seed bank generally is sustained during the drying/wetting process. Segregating out rich nutrients and/or top soil is a challenge. Some projects use the soil from the area; some have to bring in top soil.

Paul Kotila, chair of the Conservation Commission, felt the Commission's concerns have been taken care of. He requested detailed quantitative data and a standard set of parameters at the start to ensure consistent monitoring. Hartzel stated there are a lot of good templates available. He cautioned as this is a forested environment. The new wetland will be flooded with sunlight. There will be a lot of volatility between year one and year three. Replication of this nature takes decades.

Young asked how to handle invasive species. Hartzel stated it must be managed with a specific plan for vegetation. Paul Haynes referred to Condition #3 of the CEI report.

Susan Silverman, member of public, asked what the cost of the project is and if it will be bonded. Gray stated the cost is not the Planning Board's purview. Haynes felt it is not consistent to ask for a bond for a driveway. M. Nolan stated there is no value in a bond as the conditional use permit can be enforced by the BoS.

Joe Fournier, abutter, asked if his property is six feet higher in elevation compared to the project area. Lundsted confirmed stating that Fournier's property is approximately 6-10 feet higher in elevation. Fournier asked the elevation of the shared driveway. Lundsted stating that this project won't affect the houses along Fullam Hill Road. There are three wetlands in the area; two are by the road.

Gray motioned to continue the public hearing for Case #22-01 John Hunt – Conditional Use Permit (WPOD) – Driveway affecting wetlands at Fullam Hill Road [Map 4, Lot 57] until September 20, 2022 at 7:30pm. M. Nolan seconded. Motion passed.

Yes: 4 [Gray; Young; Goodell; M. Nolan]; No: 0; Abstained: 1 [Haynes]

Public Hearing

Case # 22-09: Ketola Contracting LLC and David and Nancy Stacy – Boundary Line Adjustment at Rhododendron Road and 189 Rhododendron Road. [Map 14, Lot 40-2 and 40-3 – Rural District]

Gray welcomed Mike Ploof to the meeting. Ploof, surveyor for Fieldstone Land Consulting, presented. He stated that this boundary line adjustment will be an equal exchange of land of 3,898 square feet. This will allow flexibility in building for Lot 40-2.

Goodell motioned to approve boundary line adjustment for Ketola Contracting LLC and David and Nancy Stacy at Rhododendron Road and 189 Rhododendron Road. [Map 14, Lot 40-2 and 40-3 – Rural District]. Haynes seconded. Motion passed unanimously.

Yes: 5 [Gray; Haynes; Young; Goodell; M. Nolan]; No: 0; Abstained: 0

Preliminary Consultation

Sharon Thomas – Site Plan Review – to permit a consignment store at 10 NH Route 12 South. [Map 34, Lot 1 – General Business District]

Gray welcomed Sharon Thomas to the meeting. Thomas explained that she would like to open a quality second hand store in the suite between Monadnock Firearms and Carousel Grill.

Gray advised Thomas to apply for a Site Plan Review. The Planning Board will want to look specifically at the parking plan and lighting, if changed, among other items.

Young asked if Thomas will be using the basement or back of building. Thomas stated the back of the building is a creek and she is not planning to use the basement.

Public Hearing – After the Fact, continued

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

Gray welcomed Sebastian and Rebecca Barthelme to the meeting. Gray felt the Planning Board could deliberate on the Conditional Use Permit tonight and request that the BoS look into the driveway/address portion. M. Nolan commented that several neighbors have complained about the driveway, but that is a civil matter. Gray felt that something must be done to clarify the address. The driveway never received a permit. Barthelme commented that he has a Right-of-Way (ROW) on Anderson Road. He had an emergency this weekend and can confirm that a fire truck can make it down his driveway.

Gray motioned to move to deliberations on the required criteria for a wetlands conditional use permit. Haynes seconded. Motion passed unanimously.

Yes: 5 [Gray; Haynes; Young; Goodell; M. Nolan]; No: 0; Abstained: 0

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

- a. Yes: 5 [Gray; Haynes; Young; Goodell; M. Nolan]; No: 0; Abstained: 0
- b. Yes: 5 [Gray; Haynes; Young; Goodell; M. Nolan]; No: 0; Abstained: 0

When deliberating on Criterion c, Haynes commented that there are other areas to build on the property outside of the WPOD, but some of those areas are disputed land. Young stated Barthelmeß has a ROW to access the property completely outside of the disputed land. Goodell asked how the placement of the old and new is relevant as this proposal is for a replacement structure. Young commented that Barthelmeß came to the preliminary consultation and he ignored all the advice and required permits. M. Nolan stated this structure has been built in the same footprint but without any permits.

Haynes felt that according to WPOD ordinance – Chapter 127-16.1:D-7a, this application does not require a Conditional Use Permit. Silverman commented that this structure was a tarp shack before, and no demolition or construction permit was applied for. She did not feel this was an in-kind replacement. Gray stated that the structure is the same size as the shack, which matches the tax card. However, Barthelmeß still requires a construction permit.

Gray withdrew her motion to deliberate on the required criteria for a wetlands conditional use permit. Haynes seconded. Motion passed unanimously.

Yes: 5 [Gray; Haynes; Young; Goodell; M. Nolan]; No: 0; Abstained: 0

Haynes motioned that a Conditional Use Permit is not required according to Chapter 127-16.1:D-7a. Gray seconded. Motion passed unanimously.

Yes: 5 [Gray; Haynes; Young; Goodell; M. Nolan]; No: 0; Abstained: 0

Gray motioned to suggest the following conditions be added to the construction permit for Sebastian and Rebecca Barthelmeß to allow construction of a dwelling within the WPOD at 37 Old Turnpike Road. Haynes seconded. Motion passed unanimously.

Yes: 5 [Gray; Haynes; Young; Goodell; M. Nolan]; No: 0; Abstained: 0

Conditions:

1. No expansion of impervious surfaces within the WPOD;
2. Native vegetation must be maintained within the shoreline;
3. Must obtain a construction permit from the BoS;
4. Must obtain an occupancy permit from the BoS, including an electrical inspection with attention to the ground rods and generator location;
5. Gutters must be installed on all drip lines that feed into drywell(s);
6. Gray water is carry-in/carry-out; black water must be handled within NHDES regulations;
7. Gazebo, in its entirety, and its platform must be removed from the WPOD;
8. Owner must come before the Planning Board if water, septic, or outside electricity is added;
9. Property is not to be used as Airbnb or transient housing without coming before the Planning Board.

Public Hearing

Case # 22-10: John Heikkinen – Site Plan Review – to permit a 3-unit multi-family dwelling at 21 East Lake Road. [Map 27, Lot 21 – Residential District]

Gray welcomed John Heikkinen to the meeting. She explained to Heikkinen that payment must be made before the Planning Board can accept an application as complete. The BoS also had concern about activity occurring at the property when a Cease and Desist order has been issued. Heikkinen indicated he is only tidying up the property. M. Nolan stated that no work can occur while there is a Cease and Desist order.

The hearing was deferred until payment was made.

Minutes Review

After a brief discussion and two minor edits, **Haynes motioned to approve the minutes from August 16, 2022 as amended. Gray seconded. Motion did not pass.**

Yes: 3 [Gray; Young; Goodell]; No: 0; Abstained: 2 [Haynes; M. Nolan]

Public Hearing, deferred from earlier

Case # 22-10: John Heikkinen – Site Plan Review – to permit a 3-unit multi-family dwelling at 21 East Lake Road. [Map 27, Lot 21 – Residential District]

Haynes motioned that the application is complete. Young seconded. Motion passed unanimously.

Yes: 5 [Gray; Haynes; Young; Goodell; M. Nolan]; No: 0; Abstained: 0

Gray stated that a preliminary consultation occurred and Heikkinen has since received a Special Exception and Variance from the ZBA. There was a condition added that the well must be tested. The Planning Board has not yet received that report. Heikkinen stated that this property shares a well with the neighbor (deeded rights). The well pump at his property is not hooked up yet, but he will ask the neighbor for the report. Heikkinen confirmed that he has installed a large leech field behind the house.

Heikkinen explained that he has planned the driveway to be approximately 12-14 feet wide. It is 16 feet now but with a sidewalk leading from the parking area to the entrance doors, he expects the driveway to be about 12-14 feet. There will be enough parking for six cars. He owns another lot up the hill, which will be used for overflow parking. Haynes explained the dark sky ordinance.

Gray motioned to conduct a site walk on Friday, September 16 at 5:30pm. M. Nolan seconded. Motion passed unanimously.

Yes: 5 [Gray; Haynes; Young; Goodell; M. Nolan]; No: 0; Abstained: 0

Gray motioned to continue the public hearing until September 20 at 7:15pm. Haynes seconded. Motion passed unanimously.

Yes: 5 [Gray; Haynes; Young; Goodell; M. Nolan]; No: 0; Abstained: 0

Preliminary Consultation

Amber Casavant – Site Plan Review – to permit three AirBnB camp sites at 117 East Lake Road. [Map 11, Lot 29-5 – Rural District]

Marcus Casavant, applicant, explained that they moved to Fitzwilliam a couple of years ago and own 12 acres of land. They have three primitive camping sites through Hip Camp. It is a take on Airbnb, but for camping. It is a pack-in/pack-out with a very low impact. The property has a long driveway and the camp sites are set up at the natural breaks. He estimated they were for snow push-offs previously. The sites are low down and not near their house. Most of the campers are on the weekends and are booked through Hip Camp.

Casavant showed the Planning Board the “duty bags” that are used for black water. Gray commented that she had never heard of carry-in/carry-out black water. M. Nolan would rather see a porta-potty. Casavant stated that people are looking for the primitive camping experience. The renters are great about cleaning up after themselves. Goodell felt the toilet bags are great if renters use them.

Gray asked where the renters tell emergency services to go. Casavant stated his street address. He meets each camper upon arrival.

Haynes asked if Casavant can rate visitors. Casavant confirmed.

Goodell asked about camp fires. Casavant stated he has built fire pits.

Silverman, abutter, requested a Site Plan Review as there are no sanitary provisions. It appeared that people are bathing in Laurel Lake. This must be reviewed as a business.

Gray advised Casavant to work with the LUC to submit a Site Plan Review application.

Gray stated that the Casavant’s cannot continue this business/use until they complete Site Plan Review.

Preliminary Consultation

Jesse Bookspan – Site Plan Review – to permit construction of a hydro-electric plant at 77 Scott Pond Road. [Map 16, Lot 3 – Rural District]

Gray welcomed Jesse Bookspan to the meeting. He is interested in purchasing 77 Scott Pond Road, which contains a deficient dam. He is proposing a micro-hydroelectric dam as part of the dam repairs. The estimated power output would be 10-30 kW, and as high as 50 kW. This would be for personal use only. Bookspan felt that the condition of the dam is the reason why the property is for sale. Dams must be built to weather a 100-year storm and breaching is not an option. The appeal of the property to him is repair of the dam to a micro-hydro dam.

Gray advised Bookspan to apply for Site Plan Review. There are also state permits involved as well.

South West Region Planning Commission: Community Housing Navigator Grant through InvestNH

Sean O'Donnell, South West Region Planning Commission, presented. He reviewed the housing money distributed by the State of New Hampshire and the potential for Fitzwilliam to participate in the Community Housing Navigator Grant.

Haynes motioned to send a letter of support to South West Region Planning Commission to join the Community Housing Navigator Grant program. M. Nolan seconded. Motion passed unanimously.

Yes: 5 [Gray; Haynes; Young; Goodell; M. Nolan]; No: 0; Abstained: 0

New Business

Young asked for an update on ARPA funds distribution. M. Nolan stated there is a spreadsheet in the BoS office that can be reviewed and shared. It is also on their agenda at next week's BoS meeting.

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

Yes: 5 [Gray; Haynes; Young; Goodell; M. Nolan]; No: 0; Abstained: 0

The meeting was adjourned at 9:45 pm.

Respectfully Submitted,
Lori Nolan
Land Use Coordinator

Minutes approved as amended on September 20, 2022.