

# TOWN OF FITZWILLIAM

## PLANNING BOARD

### Minutes

October 4, 2022

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

**Planning Board Absent:** Tom Rothermel

**Staff Present:** Lori Nolan, Land Use Coordinator; and Glenn Smith, DPW Director.

**Guests Present:** Isaac Morse; Jim Phippard (remote); Erika Duke (remote); John Heikkinen (remote).

Gray called the public meeting to order at 7:00pm and held roll call.

#### Preliminary Consultation

**Richard and Tania Olson – Conditional Use Permit** – to permit replacement of a deck within the WPOD at 66 Keene Avenue. [Map 25, Lot 15 – Rural District]

Gray welcomed Erika Duke, applicant's daughter, to the meeting. Duke explained that she is overseeing the project. They are proposing to rehab the lower deck – remove and replace. The existing deck is made of old telephone poles and pressure treated wood, which has rotted away. They would like to replace the pressure treated wood with composite lumber (like trex) and replace the telephone poles on the dry land portion with aluminum dock style feet. There will be no excavating or water disturbance. They have since received the shoreland permit approval from NHDES. The permit has a list of requirements and they are required to notify NHDES within 10 days of project completion. The deck will remain the same size and in the same location. They will square it up as over time the shape has changed to more of a rectangle. They currently have a dock and boat lift. The adjacent property (formerly owned by the Davis') previously had a boat house. The Olson's will not touch the dock or lift as part of this project.

Gray felt this proposal fell under the WPOD exemptions. Paul Haynes felt this will be an improvement to the property. Martin Nolan asked that all the debris is kept away from the lake. Duke stated they will remove by hand and load the rotting materials into a dumpster. The Planning Board requested that the NHDES shoreland permit approval be added to the property file.

Duke thanked the Planning Board and appreciated the efforts to protect the lake. Her family has been coming for generations.

#### Public Hearing, continued

**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, applicant, to the meeting. She explained that when the ZBA approved the variance and special exception, the approval was conditioned on review of the driveway in regards to sight lines. Due to this condition, Glenn Smith, DPW Director, visited the property. Smith had concerns as there are potential hazards when leaving the property. The LUC showed photos of the driveway and the sight lines when leaving the property. Smith explained that the driveway regulations require 100 feet of visibility (50 feet in each direction) measured 10 feet away from the road at a height of 3.5 feet. When measuring, there are no sight lines due to brush and a dead stump on the adjacent property. In order to obtain the required sight lines, the applicant must receive permission from the adjacent property owner to excavate the stump and brush.

Smith asked Heikkinen if he plans to rebuild the retaining wall along the driveway by the road. Heikkinen was unsure. Smith would like to see the wall taper down, starting approximately 10 feet away from the road. Smith was unsure if the driveway grade can be raised but would like to discuss the driveway further with Heikkinen as part of the driveway permitting process. But the driveway cannot be higher than the road. Smith further would require the vegetation and group of trees, along with the granite post, be removed towards the back corner of the house. There is currently only 13 feet of clearance and with the removal of the trees and vegetation, a width

of 15 feet could be achieved. Heikkinen was in agreement and stated that he would like to add 6 inch wide strip of crushed stone along the foundation of the house.

Smith asked about the location of the dumpster. He had concerns about trash removal if the dumpster is located off the driveway as the trucks will be unable to turn around. Smith requested the dumpster not be located off the driveway. The road has a blind knoll, combined with speeding traffic, which causes potential for hazards. Heikkinen was in agreement. Gray commented that snow removal will make the area even tighter. She requested the grade between the property lines be lowered. Heikkinen stated he will call Smith in a couple of weeks to discuss this further. He will also make contact with the adjacent property owner in regards to clearing the brush and dead stump. Smith also explained that this driveway will need to have the first 20 feet paved as the driveway abuts a paved road. Heikkinen mentioned using concrete. Gray explained a new driveway permit is required because the application is for a change-in-use.

Gray requested that the invasive species, specifically knotweed, be removed with use of environmentally friendly herbicides. She further requested that there be no parking in front of the house or on East Lake Road and Webb Hill Road. Heikkinen explained that he owns the vacant lot next to the adjacent property and people can park on that lot. Goodell asked that lighting be compliant with Night Skies.

Gray asked about the well water testing for quality and flow. Heikkinen indicated he will get that information from the neighbor who shares the well. He needs a new water pump. M. Nolan asked if this is a shallow well. Heikkinen said it is an artesian well. There are no shut-off valves and he will call the well guy to come out and look at it. Young asked about the septic. Haynes indicated it is a new system. Young had concerns about approving without seeing the water test. Peard Blais wanted to take into consideration that we are in fall and it has been a dry year.

#### Findings of Fact:

1. Proposal is for a conversion of a single-family dwelling into a multi-family dwelling in the form of 3-unit apartments;
2. Each unit is appropriately designed for habitation;
3. A new state approved septic system has been installed;
4. The well for this property is shared with the adjacent lot containing a single-family dwelling;
5. Parking for six vehicles will be provided behind the dwelling with access through a driveway on the southern side of the property between the dwelling and the lot line;
6. The existing driveway is between 13 feet and 16 feet in width. The two narrow points are at the entrance at road and at a granite stone pillar located near back corner of house.

**M. Nolan motioned to approve the Site Plan for John Heikkinen to permit a 3-unit multi-family dwelling at 21 East Lake Road, [Map 27, Lot 21 – Residential District], subject to the following conditions. Peard Blais seconded. Motion passed unanimously.**

Yes: 6 [Gray; Haynes; Peard Blais; Young; Goodell; M. Nolan]; No: 0; Abstained: 0

#### Conditions:

1. All exterior lighting must conform with Chapter 137, Article 2 – Preservation of Night Skies;
2. Applicant must receive an approved driveway permit from the DPW Director and must comply with all regulations and conditions of the driveway permit;
3. There is to be no parking in the front of the residence, on or along East Lake Road, or on or along Webb Hill Road;
4. Applicant is required to conduct well water testing for quality and flow, with the results being provided to the Board of Selectmen before an occupancy permit is issued; and
5. When removing vegetative invasive species from the property, the applicant is required to use herbicides approved for use around wetlands and must remove and dispose of the invasive species in accordance with NHDES Best Management Practices.

#### Preliminary Consultation

**John Pappas – Site Plan Review** – to construct a self-storage facility at Route 12 South. [Map 8, Lot 12 – Rural District]

Gray welcomed Jim Phippard, land consultant representing the applicant, to the meeting. Phippard explained that he is proposing five separate self-storage buildings on a 2.5 acre lot located in the rural zoning district. This use would require a variance. Phippard explained they will use a single curb cut, which will require a driveway permit from NHDOT. This driveway is shared with the closed QuickMart. There are good lines of sight because it is a straight road. The road is three lanes – 2 northbound and 1 southbound and has a level grade, with a hill that is 4-5% grade.

The proposal calls for five separate self-storage buildings, equaling 25,700 square feet. They will be a combination of cold and climate control storage. It will require electricity but no sewer or water. There will be no dedicated office space. Stormwater will be captured through catch basins and piped to two areas in the rear of the property. They will respect the 75 foot setback for the two small wetlands on the property (one on the south and one on the west side of the property). Lighting will be full cutoff LED wall mounted fixtures on timers. The average lighting will be one foot candle. He will provide a lighting plan during the Site Plan Review. Lights will shut off at 10:00pm, though there will be a few connected to motion sensors. An alteration of terrain permit is not required as they will only disturb 70,000 square feet of land. Each building will be single story with the highest point being 18 feet at the roof ridge. The perimeter will be fenced. There will be a gate across the front with access provided by a key card and code. It will not be open 24/7 and will close at 10:00pm.

Phippard explained that his description is for normal outdoor stormwater management and not for runoff of chemicals and/or anti-freeze. They will not allow any storage of chemicals. They will provide proper buffer screening from the road and abutters. Inside storage of vehicles is allowed, but not outdoors.

Goodell had concerns about the size of the lot. The LUC explained that this lot is a pre-existing, non-conforming lot.

**Gray motioned to refer John Pappas's application to construct a self-storage facility at Route 12 South, [Map 8, Lot 12 – Rural District] to the ZBA for a variance under Article 127-12 Appendix E. Peard Blais seconded.**

Goodell asked how far away the lighting will be to the closest house. Phippard stated 40 feet. It will be a wall mounted light mounted 10 feet high. There will be trees along the property line but they can provide additional screening.

**Motion passed.**

Yes: 5 [Gray; Haynes; Peard Blais; Young; M. Nolan]; No: 0; Abstained: 1 [Goodell]

**Preliminary Consultation**

**Karl and Michelle Bausha – Conditional Use Permit** – to permit renovation of the dwelling, including a roof pitch change, and front porch within the WPOD at 45 Pine Road. [Map 35, Lot 27 – Rural District]

The applicant was not in attendance and no discussion took place.

**Preliminary Consultation**

**Karl and Michelle Bausha – Site Plan Review** – to permit a non-profit youth sailing program at 77 Scott Pond Road. [Map 16, Lot 3 – Rural District]

The applicant was not in attendance and no discussion took place.

**Review of Driveway Regulations**

DPW Director, Glenn Smith, explained that there were very few regulations in place when he started in his position. For example, a minimum culvert pipe length requirement was 20 feet, but has been updated to 30 feet due to the turning radius of trucks. The amount of fill required on top of the culvert equals the size of the culvert (for example 12" culvert requires 12" of fill on top). Smith explained that new driveways are required to pave the first 20 feet as without the paved apron, the road will eventually be damaged from vehicles entering the road. The average car length is 20 feet. It is up to the individual homeowner to maintain sight lines and drainage of their driveway. M. Nolan commented that snow banks can be an issue as well. Peard Blais suggested putting these reminders in the newsletter.

Smith then addressed the sight line requirements. Fitzwilliam requires 100 feet; the NHDOT requires 400 feet; while other towns require 300 feet. He felt a happy medium is 200 feet. He suggested updating the regulations to be higher than the current 100 feet, but ultimately allow DPW Director discretion based on the level of road. Smith also requested distance between a driveway and intersection and/or property line be looked at. He would like to see a general guideline added.

Discussion was held on various dangerous intersections in town.

**Review of Ordinances**

**Setbacks from private roads**

The LUC explained that the zoning ordinance is silent on setbacks on private roads. A simple fix would be to have one front setback regardless if the road is public or private. Smith explained his main concerns are sight

distance and culverts. However, the speed of snow plows and how far the snow shoots is a concern with front setbacks. Goodell asked what would happen if a road turns from private to public. Gray felt the Planning Board cannot see into the future and they need to prepare as if it will become a public road. Haynes felt matching the public road standard would be acceptable. The LUC was asked to research what other towns do in this situation.

### **Group Business**

The LUC explained that “Group Business” is not defined in our regulations under Signs. Discussion followed.

**Gray motioned to add a definition for “Group Business” under Chapter 127-33 to read as follows: “Group Business: collection of two or more separate commercial or industrial businesses that share the same building and/or property.” Haynes seconded. Motion passed unanimously.**

Yes: 6 [Gray; Haynes; Peard Blais; Young; Goodell; M. Nolan]; No: 0; Abstained: 0

This will move forward to a public hearing, in preparation for a 2023 warrant article.

### **Frontage Exception**

Discussion was held on how Chapter 127-19C is not clear and how it could be clarified.

**Gray motioned to rewrite Chapter 127-19C to read: “In the Rural District, the minimum lot frontage may be reduced by fifty (50) feet per lot to two hundred fifty (250) feet, provided that the minimum lot area required for each such lot is doubled (lot increased in the Rural District to two hundred forty thousand (240,000) square feet).” Young seconded. Motion passed unanimously.**

Yes: 6 [Gray; Haynes; Peard Blais; Young; Goodell; M. Nolan]; No: 0; Abstained: 0

This will move forward to a public hearing, in preparation for a 2023 warrant article.

### **Review of Minutes**

After a brief discussion and two minor edits, **Young motioned to approve the minutes of September 20, 2022 as amended. Haynes seconded. Motion passed unanimously.**

Yes: 6 [Gray; Haynes; Peard Blais; Young; Goodell; M. Nolan]; No: 0; Abstained: 0

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

Yes: 6 [Gray; Haynes; Peard Blais; Young; Goodell; M. Nolan]; No: 0; Abstained: 0

The meeting was adjourned at 8:54 pm.

Respectfully Submitted,  
Lori Nolan  
Land Use Coordinator

**Minutes approved as amended on October 18, 2022.**