

# TOWN OF FITZWILLIAM

## PLANNING BOARD

### Minutes

November 15, 2022

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

**Planning Board Absent:**

**Staff Present:** Lori Nolan, Land Use Coordinator.

**Guests Present:** Derek Bionelli; Kevin Woolley; Rolf Briggs; Chris Guida; Nancy Clark (remote).

Chair Suzanne Gray called the public meeting to order at 7:07pm and held roll call.

#### Preliminary Consultation

Derek Bionelli – Site Plan Review – To permit expansion (indoor riding area) of a home business (therapeutic horsemanship lessons) at 479 NH Route 119 East. [Map 12, Lot 41-1, Rural District]

Gray welcomed Derek Bionelli, property owner, to the meeting. Bionelli explained that he is looking to build an indoor arena, approximately 80x140 feet in size. The dressage area would be about 60x120 feet. This will allow them to train horses year round. Bionelli showed the preferred location, which would be on the other side of the culvert. That area is not in current use. It will be built in stages taking a few years to build. This will be an additional building.

Barbara Young asked about water and septic. Bionelli explained that they will use the existing well to water horses. They will continue to use porta potties. He would like to board six horses. They currently have two horses. With the indoor arena, they will be able to train and board year round. Their two personal horses will reside in the barn. The arena would be built out of wood (Circle B) with the stalls in the back. Construction would start in about one year. Bionelli would prefer to bring in fill to level the ground out. As for stormwater management, the current water flows off the hill, through the culvert and along the property line.

Ed Goodell asked if sprinkler systems would be required. Bionelli did not feel any were needed to his knowledge.

Martin Nolan asked how this affects the home business. Bionelli explained that he would be going from 6 horses to 12-15 and he would be working year round.

Paul Haynes asked about any size restrictions on home businesses. The Planning Board reviewed the regulations. Gray stated that no more than 50% of the gross floor space of the building. Haynes stated that the business isn't in the home. The business is run out of the barn, which is shielded from the road. Bionelli commented that this proposal will provide for additional shielding. Gray mentioned following Best Management Practices.

The Planning Board advised Bionelli to submit an application for Site Plan Review.

#### NEW BUSINESS

**Request for Appointment** – 44 Rantilla Lane [Map 38, Lot 10 – Rural District]: Gray explained that the Planning Board has received two letters from Devine Millemet on behalf of the abutting property owners, the Dion's. This is in addition to a response from the property owners in question, the Briggs. Gray asked the Planning Board if they would like to take up any of the complaints or if any of the complaints are within their purview. She explained that the road is private, in which the Briggs have an easement. Gray felt that most of the issues in the complaint are civil issues. Goodell also questioned the Planning Board's role. Haynes felt this was an enforcement issue and not Planning Board's purview. M. Nolan stated that the Selectmen reviewed this and felt it was primarily a civil matter. The Selectmen saw no need to get involved. Young asked what needed enforcement – the driveway, sand removal, etc. M. Nolan stated this is on a private road, which is civil. The water and beach is through NHDES. The Selectmen therefore decided to not get involved. Gray commented that the former owners were in violation of NHDES regulations by bringing in beach sand. The Planning Board was aware of the sand removal, however, that topic is NHDES purview. Goodell felt that the Planning Board should look at each item and decide

if they are under Planning Board's purview. Gray felt the challenge is that the Planning Board already decided the case and all appeal periods have ended. Robin Peard Blais commented that the applicant's gave a complex but thorough presentation at time of application. Young asked if the applicants went beyond the approved variance and conditional use permit. Gray responded that if there was, that would be enforcement. Young questioned Selectmen's role as 11 items were brought up in the complaint and how none of them are part of the Selectmen's purview. A complaint about exceeding impervious coverage or variance requirements are not civil matters. M. Nolan stated that the Code Enforcement Officer looked at the property and did not see any violations. Tom Rothermel agreed with Goodell that each item should be reviewed. The Planning Board requested that Fire, Highway, and Code Enforcement attend the meeting on December 20 or provide a report.

**South West Region Planning Commission Transportation Plan:** The LUC explained that SWRPC is hosting a series of meetings to review challenges and opportunities for the various transportation corridors in our region. The meeting for the Route 12 South corridor will take place on November 21 at 6:30pm.

### **REVIEW OF MINUTES**

After a brief discussion and several minor edits, **Young motioned to approve the minutes of November 1, 2022 as amended. Haynes seconded. Motion passed.**

Yes: 6 [Haynes; Peard Blais; Young; Rothermel; Goodell; M. Nolan]; No: 0; Abstained: 1 [Gray]

### **OLD BUSINESS**

**Master Plan:** Gray updated that Planning Board stating that the chapters are being revised. She is hopeful a draft will be available by Christmas.

### **NEW BUSINESS**

**NH House Bill 1661:** Gray updated the Planning Board that this new law, effective August 23, 2022, requires Findings of Fact to be included in the Notice of Decisions.

**Ordinance Enforcement:** M. Nolan explained to the Planning Board that there is no lighting violation at ABTech. The lights shine at a 45 degree angle. However, the lights on the poles are higher than normal. Mr. Nolan further updated the Planning Board on Turnkey Lumber. They have since turned off the side lights completely and are now in compliance with Night Skies. At Mr. Mike's, all the lights shine down. At Roy Brother's, M. Nolan stated that lighting is required by Homeland Security and no changes will be made.

Young asked about the on-going noise at Turnkey Lumber as it occurs all days, including weekends. M. Nolan stated that they are building some sort of storage. It is an open structure. The Fire Department also requested clearance around the building. He stated that the jack hammering was needed to install water piping and to drive pilings into ledge. That should be finished at any time. Gray stated that the noise is consistent and different from the jackhammering. She felt it is part of day-to-day operations. Enforcement is under the BoS purview and individuals must be notified within 14 days of filing a complaint. M. Nolan stated that the BoS has asked for a meeting and tour of the facility.

The Planning Board asked the Turnkey Lumber come in for a follow-up consultation to discuss any operations changes, including 7 day of week work week and outside working areas.

**Case Update:** The LUC gave an update on ZBA cases for Spears Realty (on-going case); Store-It Fitzwilliam (variance approved); and Filipi Contracting (variance denied).

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

Yes: 7 [Gray; Haynes; Peard Blais; Young; Goodell; Rothermel; M. Nolan]; No: 0; Abstained: 0

The meeting was adjourned at 8:33 pm.

Respectfully Submitted,  
Lori Nolan  
Land Use Coordinator