

# TOWN OF FITZWILLIAM

## PLANNING BOARD

### Minutes

January 3, 2023

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

**Planning Board Absent:** Martin Nolan, Selectmen's Representative

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

**Guests Present:** Robyn Bates; Karen Viens; Charles Pace; Steve Filipi; Isaac Morse; Kevin Woolley; Pat Pine (remote); Bill Pine (remote); and Jim Phippard.

Chair Suzanne Gray called the public meeting to order at 7:02pm and held roll call.

Gray explained that the Planning Board was awarded a grant through South West Region Planning Commission for a consultant to work with the Planning Board on housing initiatives and ordinances. Due to this grant, the Planning Board has put on hold any review of anything related to housing.

#### Public Hearing

Proposed Zoning Ordinance Changes to Chapter 127-28.1 – Signs and Advertising Devices.

Gray explained that under Chapter 127-28.1 – Signs and Advertising Devices – there was no definition for group business, even though that term was used in the regulation. The Planning Board has proposed a definition of group business.

*Group Business: Collection of two or more separate commercial or industrial businesses that share the same building and/or property.*

With there being no questions from the public or the Planning Board, **Tom Rothermel motioned to submit the proposed definition of group business as presented to be included on the 2023 Warrant. Paul Haynes seconded. Motion passed unanimously.**

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

#### Public Hearing

Proposed Zoning Ordinance Changes to Chapter 127-19:C – Frontage Exceptions.

Gray explained under Chapter 127-19:C – Frontage\_Exceptions, there is confusing and inconsistent language. The Planning Board has proposed clarifying the language, which will not result in any change to the regulation itself.

Existing:

Frontage exception lots. In the ~~residential districts~~ *Rural District*, the minimum lot frontage may be reduced by fifty (50) feet per lot (~~frontage reduced in the R-1 District to one hundred feet (100) and in the Rural District to two hundred fifty (250) feet~~), provided that the minimum lot area required for each such lot is doubled (lot increased ~~in the R-1 District to eighty thousand (80,000) square feet and in the Rural District to two hundred forty thousand (240,000) square feet.~~)

Proposed:

*Frontage exception lots. 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 to two hundred forty thousand (240,000) square feet.)*

The Planning Board had a discussion surrounding “for each such lot” to ensure that the language is the clearest. The Planning Board edited the proposed language changing “each” to “any”.

*Frontage exception lots. 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 **any** such lot is doubled (lot increased to two hundred forty thousand (240,000) square feet.)*

**Rothermel motioned that the change to the proposed ordinance did not constitute a significant change. Haynes seconded. Motion passed unanimously.**

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

**Rothermel motioned to submit the proposed change to Chapter 127-19:C as presented to be included on the 2023 Warrant. Paul Haynes seconded. Motion passed unanimously.**

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

### **Public Hearing, continued**

Case # 22-11: Filipi Contracting LLC – Minor Subdivision (3-lots) at Upper Troy Road. [Map 15, Lot 6-12 – Residential/ Rural Districts]

Gray welcomed Steve Filipi to the meeting. The Planning Board discussed the site walk from that morning. Ed Goodell felt that one of the wells needed to be re-secured. He was surprised at the size of the wells. Rothermel felt it was a good design. Barbara Young had concerns about the driveway in the area of Charles Pace. Her worries were that the proposed lot's house would be setback due to the wetlands and the driveway to house might disturb the wetlands too much. Rothermel felt the stream was expanded because of the recent rain that day. Filipi confirmed it is a seasonal stream.

Robin Peard Blais felt a hydrologist is needed to study this subdivision because of the presence of an abundance of water and aquifers. Gray asked if NHDES and/or Conservation Commission should look at this due to wetlands crossings. She felt, at a minimum, Lot 6-16 would need culverts and an engineered driveway. Filipi stated that a culvert will be needed by Charles Pace's and most likely another by Matt Buonomano. Filipi has been in talks with the DPW. He is only looking at two new curb cuts as the large lot will still utilize the existing shared driveway.

Gray showed the February 2007 aquifer plan from the previous cluster development proposal. She also mentioned NHDES information of their review. That proposal required an Alteration of Terrain permit. The permit stated a need for review through the Groundwater Bureau due to the presence of an aquifer. Filipi felt that was just because it was a large development project – over five acres would be dedicated just to retention ponds, roads, and drainage. It was a major subdivision with a road. He also commented that the State differentiates from minor and major subdivisions – with major subdivisions requiring more review. Gray referred to the stormwater hydrology report from 2007 and revised in 2008 by Paul Grasewicz. She was unsure if that applies to the proposal, but Grasewicz addressed the stormwater basins and their impact. Filipi stated that was a requirement from the State. He did not see how two 1,400 square foot houses sited 300 feet off the road could ruin foundations in the area. There was development on this land from time to time and the town did not wash away. For two houses and two driveways, there will be very minimal impact. There will not be much impervious surfaces involved.

Young was not clear of any effect, even after the review of the previous studies. She suggested having Covell & Associates review their previous study and explain to the Planning Board how any aquifers would be affected by this proposal. Rothermel did not feel that two houses will change the environment much. Culverts can maintain water capabilities better. Gray commented that abutters have concerns about increased impervious land and the presence of bedrock aquifers. She could not ignore the information in the property file.

Peard Blais asked if the Town gets any water from the wells. Filipi stated no. The Groundwater Bureau may have been interested because the Prigge well that the Town does use for municipal water might be within so many feet of Filipi's property requiring state review. The wells are not potable now. Filipi reiterated that all the proposed lots will meet all setbacks with modern septic systems. Flooding everyone out in the area is not realistic. Gray mentioned that the Water District is researching future well locations.

Pat Pine, abutter, commented that all the wells in the area are replenished from the water that comes off the Pinnacle. A house, septic, cleared trees, herbicides and pesticides, all change the nature of things. The houses will be in the most active and most concerning area, according to the studies from the previous plan. She questioned if the wells are 10 feet deep or if that just how high the water table is. She also had concerns with construction equipment going through wetlands to develop the land. Currently, due to run-off, driveways need humps to direct the water into culverts.

Filipi responded stating that the previous studies were in regards to a cluster development, which was way more impactful than this current plan. Goodell commented that the aquifers still remain, but all plans have changed.

The information does not fully relate to the current plan. He would like to overlay the aquifer map with the current subdivision plan. Young recalled that the recommendation from the cluster development was not to build in a certain area. She would like that information to be confirmed and attached as conditions should this subdivision be approved. Goodell liked the idea of an expert explaining to the Planning Board areas where development should not occur. Peard Blais again recommended hiring a hydrologist. Gray suggested going back to Covell & Associates for a review to help keep costs down. Peard Blais felt there is a benefit to fresh eyes. Filipi wanted to know the costs before committing. He also questioned how many experts have been hired for minor subdivisions in the past.

**Young motioned to contact Covell & Associates to answer what can be done within the aquifers and what impact and/or mitigation efforts need to occur with the new proposal in regards to the overall impact to area and abutters. Gray seconded. Motion passed unanimously.**

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

**Gray motioned to continue case # 22-11 – Filipi Contracting LLC – to January 17, 2023 at 7:00pm. Haynes seconded. Motion passed unanimously.**

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

### **Public Hearing**

**Case # 23-01:** Store-It Fitzwilliam (John Pappas) – Major Site Plan Review – to allow a self-storage facility at NH Route 12 South. [Map 8, Lot 12 – Rural District]

Gray welcomed Jim Phippard, agent with Brickstone Land Consulting representing John Pappas, to the meeting. Phippard explained that Pappas, applicant, has a contract to purchase the property. In October, the ZBA approved a variance for the change in use.

The LUC confirmed that abutters were notified on December 21.

**Tom Rothermel motioned that the application is complete. Haynes seconded. Motion passed unanimously.**

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

Phippard presented stating that the property is located on Route 12 South on the westerly side. It is a vacant lot. They conducted test pits in three spots. There are large boulders, but ledge is contained in the back. The lot slopes to the south and west. There is a single family residence behind this property, which the ZBA had concerns about and required better screening from lights. Pappas plans a chain link perimeter fence, but a solid 8 foot fence on the south and west side to provide privacy to the neighbors. The lot is 2.49 acres and is a pre-existing, non-conforming lot. There are no wetlands. The soil is sand and gravel. Phippard submitted a detailed drainage report.

The proposal calls for 5 self-storage buildings, where the perimeter units will be cold (unheated) storage while the interior units will be climate controlled. The hours will be 6:00am to 10:00pm, 7 days a week. Access will be through an existing shared curb cut with the now closed QuickMart. The entrance will have a keypad gate. They will need to obtain a NHDOT driveway permit. Phippard did not anticipate any mitigation required by NHDOT. The Trip Generator Manual estimates this use as having 64 additional vehicle trips per day or 32 cars. Pappas owns another storage unit property about the same size in Swanzeey. That property averaged 10 cars per days – a low intensity use. Phippard felt this business would fit nicely into the area.

They will utilize surface collection areas for stormwater. It will be fed to catch basin and piped to an infiltration system. They anticipate the stormwater management system will reduce run-off by 75%. It will not overtop in an event of a 25-year storm.

The lighting plan called for wall mounted full cut-off LED fixtures, mounted nine feet off the ground. They are 1 foot candle lighting. NHDOT requires the curb cut is lit. All the lights can be adjusted and they will start with the lights on motion detectors. There will be no water or septic. They will have electricity, which will be underground from the road to the various buildings.

They have planned an area for snow stockpiling. If there is too much, they will truck it off-site. The ZBA required vegetation as road screening. Pappas has planned arborvitae and rhododendrons. The arborvitae will be 4-5 feet at time of planting and can grow as tall as 20 feet.

Peard Blais asked about porta-potties. Phippard said they will be present only during construction.

Haynes asked about any storage of oil. Phippard stated they do not allow storage of chemicals, oils, or gas. They have maintenance visit daily, especially in the climate controlled areas. They also have cameras. This will prevent

anyone from living in the units. Young asked about storage of vehicles. Phippard stated that some units are large. If it can fit, it can be stored. The units are on concrete slabs. They will have speedy dry on hand. They also have the right to enter any unit.

Goodell asked if they tried to reach out to the abutter. Phippard said they tried to contact twice but were not successful.

Gray asked if any blasting will take place. Phippard stated no. Ledge is limited to the lower portion and is about 30 inches below the surface. The building will have a four foot foundation.

**Gray motioned to adopt the following Findings of Fact. Young seconded. Motion passed unanimously.**

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

Findings of Fact:

1. Application is for 25,700 total square feet of storage units, with units varying in size from 5x5 feet to 10x20 feet;
2. The business will have no water or septic, but will have electricity and electric heat;
3. Exterior lighting consists of full-cut off LED fixtures, mounted on the side of each building 9 feet off ground;
4. The side and rear of property that face the abutting residential property will have an 8 foot solid fence to provide privacy to the residence(s);
5. The front of the property will have a vegetation buffer with arborvitae and rhododendron plants;
6. Stormwater infiltration system is projected to reduce on-site run-off by 75%;
7. The hours will be 6:00am to 10:00pm, 7 days a week, accessed through a keypad gate; and
8. Snow removal is on-site.

**Gray motioned to approve the Site Plan Review for Case # 23-01: Store-It Fitzwilliam (John Pappas) – Major Site Plan Review – to allow a self-storage facility at NH Route 12 South. [Map 8, Lot 12 – Rural District], subject to conditions. Young seconded. Motion passed unanimously.**

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

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

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

Conditions:

1. All exterior lighting must conform with Chapter 137, Article 2 – Preservation of Night Skies
2. The vegetation buffer is to be maintained and replaced when necessary;
3. Excess snow will be hauled from site in the event that snow cannot be reasonably stored;
4. Perimeter fencing must remain in properly maintained condition; and
5. Must obtain NHDOT driveway permit.

**NEW BUSINESS**

Membership: **Gray motioned to recommend to the Board of Selectmen that Kevin Woolley be appointed as an Alternate to the Planning Board. Haynes seconded. Motion passed unanimously.**

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

Pending Land Use Cases: The LUC updated the Planning Board on pending case before Land Use boards and Conservation Commission.

Expansion of Business: The LUC updated the Planning Board that the Covey House is advertising additional services. The Planning Board requested that representatives from that business come in for a preliminary consultation. They requested the Health Officer be invited as well.

Zoning Enforcement: Gray updated the Planning Board stating that the BoS want to speak to the Planning Board about enforcement. The Planning Board invited the BoS to their next meeting.

Office Hours: The LUC explained the office hours. The Land Use Office will be closed on Friday but she will be available by email.

**REVIEW OF MINUTES**

**Haynes motioned to approve the site walk minutes of January 3, 2023 as written. Gray seconded. Motion passed.**

Yes: 4 [Gray; Young; Goodell; Rothermel]; No: 0; Abstained: 2 [Haynes; Peard Blais]

After a brief discussion and several minor edits, **Haynes motioned to approve the minutes of November 15, 2022 as amended. Young seconded. Motion passed.**

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

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

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

The meeting was adjourned at 9:16 pm.

Respectfully Submitted,  
Lori Nolan  
Land Use Coordinator

**Minutes approved as written on January 17, 2023.**