

TOWN OF FITZWILLIAM

PLANNING BOARD

Minutes

February 7, 2023

Planning Board Present: Paul Haynes, Vice Chair; Barbara Young; Ed Goodell; Kevin Woolley, Alternate; and JEF Craig, Selectmen's Representative.

Planning Board Present Remotely: Suzanne Gray, Chair; and Robin Peard Blais, Secretary.

Planning Board Absent: Tom Rothermel.

Staff Present: Lori Nolan, Land Use Coordinator.

Staff Present Remotely: Carol Ann Rocheleau, Health Officer; Charley Kenison, Deputy Fire Chief; and Adam Dubriske, Fire Chief.

Guests Present: Mike Grab; Corinne Marcou; Todd Snowling; Gretchen Wittenborg; Steve Filipi; Seth Petelas; Rolf Briggs; Chris Guida; and Clare Rose Howard.

Guests Present Remotely: Patricia Pine; Bill Pine; and Chelley Tighe.

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

Alternate Kevin Woolley was seated for member Tom Rothermel. Selectmen JEF Craig was seated for Martin Nolan as the Selectmen's Representative.

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 gave a summary of the case and read the feedback received from the Conservation Commission. She updated the Planning Board stating that Tom Peragallo does not have the expertise to review this project and he recommended someone from Maine. Another expert, Rob Roseen, felt he could do most of the review without traveling but that is dependent on what the scope of work is. He estimated a maximum of 10 hours. His hourly rate is \$175. Steve Filipi, applicant, questioned what more this expert can bring. He explained the history behind why an expert was sought previously. Filipi was proposing a cluster development, where 7-8 acres of land would be cleared and used for infrastructure. This proposed subdivision is much smaller and does not include a common road. He was not willing to pay for an expert to review the same report. Filipi instead suggested an engineer to design a stormwater management system. He suggested this could be added as a condition to approval.

Barbara Young still had concerns from the previous report that detailed a no-build area. She questioned if that no-build area is still relevant to this plan and felt an expert would be able to answer that. Ed Goodell asked if anyone has discussed the effect of building on top of bedrock aquifers. Filipi explained that his research indicated that residential housing on top of a bedrock aquifer is not a NHDES concern. The main concerns come from gas stations and salt storage.

Goodell asked if the proposed lots has been perc tested and if the house placements have been determined yet. Filipi stated that the land has been perc tested. Due to the land features and regulations (wetlands, setback, etc), the house locations are more or less predetermined.

Gray commented that the Planning Board must take into consideration concerns from abutters and information already contained in the property file. Filipi had no issues discussing run-off and stormwater management. However, he was against hydrogeologists.

Gretchen Wittenborg, member of the public, commented that even with the high water table in this area, she has not seen any evidence that this subdivision would be harmful. She asked if there was any documentation to back up this claim. Gray stated that there was a previous aquifer study done. The study identified a no-build zone. In addition to general water issues on Upper Troy Road, including abutters concerns, there is a need for an expert review. Filipi commented that if he could make the lots deeper, then he would be out of the previously identified no-build zone. But he is prohibited from doing so due to the zoning district change for the back portion of the lot, which would require additional frontage.

Paul Haynes felt that all the issues deal with run-off with nothing tangible to the aquifer. He expected there would be more concerns with run-off due to the heavier rain events we are now experiencing. Young expressed her concerns again. Filipi felt that this is not the same plan and reiterated the history of the expert review.

Gray explained that the Road Agent could not be in attendance due to the weather. She suggested providing him with questions to answer in writing. Filipi stated he will do a formal driveway application for the two new proposed lots which will be inspected by the Road Agent. Goodell wanted to see the building area for each lot on the plans and a layout that shows the aquifer will not be affected.

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

Yes: 7 [Gray; Haynes; Peard Blais; Young; Goodell; Woolley; Craig]; No: 0; Abstained: 0

Public Hearing

Case # 23-02: Marcia Camden and Marjorie Badois – Boundary Line Adjustment at 47 Templeton Turnpike. [Map 11, Lot 43 – Residential District]. This boundary line adjustment will also affect 39 Templeton Turnpike [Map 15, Lot 60-1] and 7 Lower Templeton Road [Map 32, Lot 54]

Gray welcomed Gretchen Wittenborg (representative for Marcia Camden), Todd Snowling, and Corinne Marcou to the meeting.

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

Yes: 7 [Gray; Haynes; Peard Blais; Young; Goodell; Woolley; Craig]; No: 0; Abstained: 0

Marcou explained that during the preliminary consultation, the proposal was to subdivide Camden's lot into two buildable lots. That plan would not have worked and they have a new proposal. The new proposal is to change the boundary lines of Camden's property – giving 4.99 acres to Marcou and 1.79 acres to Snowling. This proposal will also allow the Snowling's to no longer require an easement over Camden's land. After this boundary line adjustment, Camden's lot will be 3.16 acres, Marcou at 8.48 acres and Snowling at 4.43 acres. Wittenborg explained that this proposal was worked on as a neighborhood since June. As an abutter, she was 100% in favor of this proposal. The Planning Board had no questions or concerns.

Young motioned to approve the boundary line adjustment between 47 Templeton Turnpike (Map 11, Lot 43), 39 Templeton Turnpike (Map 15, Lot 60-1), and 7 Lower Templeton Road (Map 32, Lot 54) as presented. Haynes seconded. Motioned passed unanimously.

Yes: 7 [Gray; Haynes; Peard Blais; Young; Goodell; Woolley; Craig]; No: 0; Abstained: 0

Preliminary Consultation

Seth Petalas – home business – at 41 Angier Road. [Map 28, Lot 18-1 – Residential District]

Gray welcomed Seth Petalas to the meeting. Petalas explained that he has a trucking business and would like to use his home as an office and the business mailing address. He has one dump truck and no employees. The truck is primarily parked off-site and there will be no storage or vehicle repairs done at the house. When the truck is brought home on occasion, it will be parked in the driveway. He will only be doing paperwork at home.

Haynes asked where the truck will be parked when the roads are posted as closed. Petalas explained the truck will be parked off-site.

The Planning Board determined this was a home occupation and no site plan review was needed. Gray explained the limitations of a home occupation and neighborhood impact.

Preliminary Consultation

Allan and Clare Rose Howard – business expansion – at 52 NH Route 119 West. [Map 32, Lot 38 – Village Center Business District]

Gray welcomed Clare Rose Howard to the meeting. Gray gave background on the approved uses for the property, including retail, café, and catering. It appeared the business may have expanded to include personal services. Howard explained that the retail component included essential oils and holistic practices prior to closing due to covid. She has since discovered frequency technology and is offering these services by appointment only. All services can be done at home and include prayer, infrared, bio-mat, and bio-charger.

Carol Ann Rocheleau, Health Officer, stated that the café is only allowed to serve 10 people per day due to the septic and the business is currently registered for only Chef Allan Catering. Howard confirmed stating that the

café has closed and they deliver food, which was prepared in-house, to clients. Rocheleau asked if any massages are taking place. Howard said no. Rocheleau asked about a short-term rental unit. Howard confirmed and stated it has been approved. The Covey House has been an Airbnb for quite some time and no longer rents on a long-term basis.

Adam Dubriske, Fire Chief, asked about the sauna. Howard explained that it is an infrared sauna, installed by an electrician. It runs off electricity and can fit two people. Peard Blais commented that no water is involved with infrared saunas. Howard also explained she introduced red light therapy in 10 minute doses. She is offering the Covey House as a healing center.

The Planning Board determined a site plan review was needed. Howard disagreed as the use is less intense than before. Gray explained this is standard when there has been a change in use.

Gray discussed a complaint that was received in regards to Howard's personal property on Richmond Road. The complaint stated the cabin has cooking facilities, sauna, and fire pit without permits. Howard explained that the cabin only has a microwave, kettle, and small fridge – typical of what is contained in a hotel room. The sauna is for personal use, however if guests use it, they must sign a waiver. They also contact the fire department when they use the fire pit. Dubriske did not see any issues with the fire pit and confirmed their permit will need to be renewed on April 1.

Gray commented that the rental ad lists cooking facilities. Howard stated the cabin is 14x20 feet and has a propane tank. There is a mini fridge, kettle, and microwave. There is no sink or stove. Dead River services the propane hook-ups. The Planning Board requested that the wording in the ad could be changed to address the "kitchen".

Rocheleau asked if the sauna is a traditional sauna. Howard stated it is a wood fired sauna. Dubriske explained that residential areas can have saunas. He is comfortable with the property. He has no authority to address or inspect saunas as long as it was installed correctly and is in good working order. Howard explained that alcohol use is prohibited and anyone must bring water in with them and take breaks. The footprint of the sauna is the same as the chicken coop. Young asked Howard to follow up with the LUC to determine if a construction permit is needed.

Follow-up Consultation

Case # 20-04: Rolf and Barbara Briggs to discuss construction within the WPOD at 46 Rantilla Lane. [Map 38, Lot 9 – Rural District]

Gray welcomed Rolf Briggs, property owner, and Chris Guida, certified wetlands scientist with Fieldstone Land Consulting, to the meeting. The Dion's or a representative were not in attendance.

Gray asked Dubriske to comment on Rantilla Lane. Dubriske explained that he looked at the road about a year ago. He had preferences, like pull offs, but no requirements. Currently, the fire department can access all properties on Rantilla Lane. Fire suppression and EMS service can be provided on that road with the existing conditions. Briggs recalled that there was a recommendation for pull-offs to allow for a shorter hose line. Dubriske explained that would improve pick-up time but not firefighting time.

Briggs also stated that Gordon Services recommended a wider road as snow banks would prevent long fire trucks from making the corners. He asked if that was a concern. Dubriske stated that is a concern like on many roads but there is no requirement to widen the road. Briggs wanted access to his property safely and easily in any condition. He also wants to rebuild Rantilla Lane back to the original conditions as described in the deed. Gray stated that the Planning Board won't comment on the private road. She reviewed the memo from the DPW Director. Gray recommended that the neighbors work with each other.

Gray shifted gears to run-off and reviewed the letter from the Conservation Commission. Goodell commented that he cannot comment until the wetlands are delineated, but felt that the work has been done well. Gray felt the area has been improved with the stormwater management plan, infiltration system and new plantings. Kevin Woolley commented that permits are not required when repairing. Guida explained that he never delineated any wetlands along the road. There is a culvert by a lower swale and that water goes into the woods. There is no erosion or run-off from the woods into the pond. The conditions on the ground prevented him from determining if wetlands were present, but the culverts were not in any obvious wetlands. If there were any wetlands present, there would be minor impact handled through a permit-by-notification. Gray asked about NHDES requesting more information after-the-fact. Guida explained that was from a culvert replacement complaint. NHDES would require the wetlands be delineated but the property owners will not allow it. Guida continues to be in discussion with NHDES.

Briggs commented that there were 11 items detailed in the complaint. One was in regards to oil being discharged. He asked if this will be addressed. Gray stated at the site walk there were no observations or documented evidence showing any violations in the WPOD that were detailed in the complaint. Some of the items are also not within the Planning Board's purview. Gray explained the Planning Board addressed the road through the DPW Director and Fire Chief. She explained that this after-the-fact discussion is very unusual. There will be no further action that the Planning will take on this case.

REVIEW OF MINUTES

After a brief discussion and several minor edits, **Haynes motioned to approve the minutes of January 17, 2023 as amended. Young seconded. Motion passed unanimously.**

Yes: 7 [Gray; Haynes; Peard Blais; Young; Goodell; Woolley; Craig]; No: 0; Abstained: 0

OLD BUSINESS

Enforcement: Craig updated the Planning Board that the BoS had a discussion about this topic. There is no formal flowchart as each case can go in its own direction. He felt that the previous Planning Board meeting minutes summed it up well. He explained the BoS have a list of all complaints/violations. Gray asked if there was discussion around what complaints the Selectmen have received. Craig acknowledged that communication can be improved. Discussion was held on roles and responsibilities. The Planning Board did not feel that adherence to ordinances needed to be listed on each Notice of Decision as a condition. Craig felt it would be helpful to be aware of Planning Board discussions. Young stated that there is a BoS representative on the Planning Board and everything is in the minutes.

ARPA Update: Craig handed out information on the allocation of ARPA funds to date. He mentioned there has been discussion about bringing in an architect or expert with experience with working on older buildings to help us make best use of the Town Hall. Gray had concerns about access to property files and asked for that to be included in the building review.

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

Yes: 7 [Gray; Haynes; Peard Blais; Young; Goodell; Woolley; Craig]; No: 0; Abstained: 0

The meeting was adjourned at 9:42 pm.

Respectfully Submitted,
Lori Nolan
Land Use Coordinator

Minutes approved as written on March 7, 2023.