

# TOWN OF FITZWILLIAM

## PLANNING BOARD

### Minutes

May 16, 2023

**Planning Board Present:** Suzanne Gray, Chair; Tom Rothermel, Vice Chair; Barbara Young, Secretary; Ed Goodell; Richard Mays; Kevin Woolley; and Martin Nolan, Selectmen's Representative.

**Planning Board Absent:** Robin Peard Blais, Alternate.

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

**Guests Present:** Tim Parsons; Sandy Parsons; Josh Joslyn; Steve Filipi; Ken Abbott; Chris Abbott; Dave Tighe; Pat Pine (remote); and Bill Pine (remote).

Chair Suzanne Gray called the public meeting to order at 7:01pm and held roll call.

#### **Public Hearing**

Case # 23-05: Sandra Parsons – Site Plan Review – to permit a home business in the form of a farm stand at 49 Richmond Road. [Map 23 Lot 17 – Residential/Historic District]

Gray welcomed Sandy and Tim Parsons to the meeting. Gray stated that some items have not been included in the application but are not applicable, like surveyed property lines.

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

Yes: 6 [Gray; Rothermel; Young; Goodell; Mays; Woolley]; No: 0; Abstained: 0

The LUC stated that the design has changed slightly since the application was submitted. The Historic District Commission has since approved the amended design.

S. Parsons presented stating that she plans to sell plants, vegetables, flowers, garden items, and canned goods at her property in a shed at the end of the barn driveway. The shed will be approximately 6x6 in size and requires electricity. An extension cord from the barn will provide the electricity. The shed will be portable. Gray thanked Parsons for being Serve-Safe certified. S. Parsons also explained that she will be installing a 20x18 inch sign on the shed and will also be putting up yard signs at the end of the road. Gray advised Parsons to check with the BoS regarding signage on the shed.

Gray commented that Richmond Road is wide in this location. There is some street parking but that will be an issue in the winter. T. Parsons stated the shed will not be in use in the winter. Rothermel asked if cars are able to turn around. T. Parsons stated it is possible to turn around using the barn driveway. S. Parsons confirmed there will be no employees. Goodell asked what the hours will be. S. Parsons stated dusk to dawn. There will be motion sensor lights. Gray explained that all lights must shine down to be in compliance with Dark Skies. T. Parsons understood.

**Gray motioned to approve the following Findings of Fact. Rothermel seconded. Motion passed unanimously.**

Yes: 6 [Gray; Rothermel; Young; Goodell; Mays; Woolley]; No: 0; Abstained: 0

#### **Findings of Fact**

1. The application is for a home business in the form of a farm stand at 49 Richmond Road; Map 23 Lot 17 in the Residential and Historic Districts;
2. The shed will be 6x6 feet in size;
3. Electricity will be provided to the shed through an extension cord from the barn;
4. This will be a seasonal business;
5. There will be no employees;
6. Parking for the home business will be on the property, with overflowing on the shoulder of Richmond Road.
7. The applicant is Serve-Safe certified.

**Goodell motioned to approve the site plan review for Sandra Parsons for a home business in the form of a farm stand at 49 Richmond Road, Map 23 Lot 17 in the Residential and Historic Districts. Young seconded. Motion passed unanimously.**

Yes: 6 [Gray; Rothermel; Young; Goodell; Mays; Woolley]; No: 0; Abstained: 0

Young advised S. Parsons that she must return to the Planning Board if the business changes.

[M. Nolan arrived to the meeting.]

#### **Preliminary Consultation**

Abbott Realty, LLC (AB-Tech) – to discuss business expansion at 126 NH Route 12 North. [Map 15, Lot 36 – Light Industrial District]

Gray welcomed Chris and Ken Abbott to the meeting. K. Abbott explained that they have a 27,500 square foot facility with 7,500 square feet used for rental space. That space is now vacant and AB-Tech is looking to expand into that area. They would need to upgrade the HVAC system and lighting. There is a potential need to build an interior partition wall. In 2017, they installed a new roof and HVAC system, but not in this area. K. Abbott anticipated the use of roof-top units.

Young asked if there will be an increase in employees and/or traffic. K. Abbott stated that they would like to hire 2-3 employees but have found it difficult. They have 28 employees currently and there is plenty of parking available. They will remain as one shift.

M. Nolan commented that these improvements will require a construction permit and ultimately an occupancy permit with fire inspection. Due to these requirements, the Board felt that a Site Plan Review was not needed. The LUC advised Abbott to apply for a construction permit.

M. Nolan commented that the BoS are happy to have a good corporate company in town with a well-kept and beautiful property. Gray mentioned the Economic Development Committee. K. Abbott mentioned that they are re-establishing with the EDC.

#### **REVIEW OF MINUTES**

**Gray motioned to approve the site walk minutes of May 5, 2023 as written. M. Nolan seconded. Motion passed unanimously.**

Yes: 7 [Gray; Rothermel; Young; Goodell; Mays; Woolley; M. Nolan]; 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 Board briefly discussed the site walk with David Maclean of Verdantas. The walk was to understand the previous aquifer map that had a “no build” area.

Filipi showed his proposal with the buildable areas highlighted for each lot, which incorporated setbacks to property lines and wetlands. He only sited two houses as the third site is unknown. However, that proposed lot will be 40 acres. Gray asked if Filipi was planning to use the common driveway for the third lot. Filipi stated yes, potentially. Goodell asked if Filipi planned to build the houses, which would ensure they are built in the correct locations. Filipi stated that he will most likely build but the abutters will have the first right of refusal to the lots.

**Gray motioned to continue Case #22-11, Filipi Contracting LLC, to June 20 at 7:00pm. Young seconded. Motion passed unanimously.**

Yes: 7 [Gray; Rothermel; Young; Goodell; Mays; Woolley; M. Nolan]; No: 0; Abstained: 0

#### **Preliminary Consultation**

Thomas Lally (represented by GRAZ Engineering) – to discuss construction within the WPOD at 77 Scott Pond Road. [Map 16, Lot 3 – Rural District]

Gray welcomed Josh Joslyn, agent with GRAZ Engineering who is representing the property owner. Joslyn explained that this lot contains a dam. The lot is accessed from Scott Pond Road. They are proposing a 30x50 foot addition, which will be within 100 feet of Scott Pond. The addition location will be downstream from the dam and approximately 100 feet from Scott Brook. The property owner is proposing dam improvements, but that is being handled by NH Dams and not GRAZ Engineering. That proposal will include an auxiliary spillway by the causeway, but it is not part of this application.

Gray asked about the septic system for the house. Joslyn indicated that there is a septic design proposed with a leech field. It will be approximately 150 feet from the pond. Joslyn explained that the wetland by the house is more or less overflow; a natural "floodplain". The ground is wet during the wet months and dry during the summer when it is mowed. It is considered a wetland, but the land is not wet in nature. Goodell asked if these changes will affect the water flow. Joslyn was unsure as he is not part of that portion of the project. He suggested that the land is still a low spot so flow could change during a high rain event. He confirmed that the addition will not affect any water.

The Board reviewed the site map and photos. The photos were taken two days after the snow melt. Gray questioned the septic design as it appears the septic is within 100 feet of the Scott Pond Complex. The LUC was asked to send a memo to the Town Administrator about the septic location concerns and if local approval had been given yet in regards to setbacks to the WPOD.

Young asked if the addition could be built in a different location. Joslyn stated the location was chosen to keep the look of the front of house the same. It is a 1800s house. A different location would also interfere with the septic design. The existing portion of the house has already been re-roofed and sided.

Gray advised Joslyn to apply for a Conditional Use Permit through the LUC.

### **REVIEW OF MINUTES**

After a brief discussion and three minor edits, **Young motioned to approve the minutes of May 2, 2023 as amended. Mays seconded. Motion passed.**

Yes: 6 [Gray; Rothermel; Young; Goodell; Mays; Woolley]; No: 0; Abstained: 1 [M. Nolan]

### **OLD BUSINESS**

Master Plan: no update

Housing Navigator: The Housing Working Group have started interviews with members of the community. It was suggested to interview Park Construction and Turnkey Lumber as they have indicated housing for workers have affected their business and the hiring of employees.

Short-Term Rentals: There has been no further development on this. However, the LUC spoke with the Fire Chief and Health Officer. They indicated they would like language included in regards to burn permits, septic, access to potable water, and occupancy limits. Young asked about structures without two egresses. The Board then had a discussion about health and safety concerns with existing short-term rentals.

### **NEW BUSINESS**

Fee Schedule: Young raised the fee schedule and questioned why home businesses are charged so much for a site plan review.

**Gray motioned to change the fee schedule to reflect no cost for a site plan review, though noticing costs will still apply. Young seconded.**

Rothermel felt some sort of fee should be in place. He suggested that \$50-75 was reasonable. Goodell and Young agreed. M. Nolan commented that most businesses start as home businesses and we need to encourage this sort of entrepreneurship. He did not feel there should be a cost involved.

**Gray amended her motion to change the fee schedule for a home business under Chapter 127-14:A:2:B (home business) to be reduced to \$50.00. Young seconded. Motion passed.**

Yes: 6 [Gray; Rothermel; Young; Goodell; Mays; Woolley]; No: 1 [M. Nolan]; Abstained: 0

The Board agreed to amend the Sandy Parson invoice for a home business.

Monadnock Paddle: Rothermel stated that Monadnock Paddle held an event this past weekend. They set up a tent, had a dock, and sold tickets. The LUC was asked to alert the BoS and to send a letter to Monadnock Paddle asking them to come before the Planning Board to address parking for events. There is not much parking without parking in the wetlands or the street. M. Nolan did not feel this was much of an issue and did not need enforcement.

Enforcement: The LUC reviewed the enforcement letters sent out by the BoS.

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

Yes: 7 [Gray; Rothermel; Young; Goodell; Mays; Woolley; M. Nolan]; No: 0; Abstained: 0

The meeting was adjourned at 9:15 pm.

Respectfully Submitted,  
Lori Nolan  
Land Use Coordinator

**Minutes approved as amended on June 20, 2023.**