

# TOWN OF FITZWILLIAM

## PLANNING BOARD

### Minutes

July 18, 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:** Josh Joslyn; Tom Lally; Jack Rixby; Mike Ploof; Ron Herrick; Beth Herrick; Dana Pinney; Doug Seiler; Cynthia Seiler; Dan Scheerer; and Earl Schofield.

**Working Session Master Plan** – Review of Introduction, Vision, History, Future Land Use, Population and Housing chapters

The Planning Board reviewed the introduction and vision chapters of the Master Plan. The group agreed to meet on August 1 at 6:00pm to continue their work.

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

#### **Public Hearing**

**Case #23-06: Thomas Lally** – Conditional Use Permit – to permit construction of a 30x50 foot addition to an existing house within the WPOD at 77 Scott Pond Road. [Map 16, Lot 3 – Rural District]

Gray welcomed Tom Lally and Josh Joslyn, representative from GRAZ Engineering, to the meeting. The LUC confirmed that the public and abutters were notified of the public hearing. Gray updated the Planning Board on items received since the application was submitted, including comments from the Conservation Commission and an approved variance from the ZBA.

**Young motioned to accept the application as complete. Mays seconded. Motion passed unanimously.**

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

Joslyn presented stating they are proposing a 30x50 foot addition with a 12x5 foot bump-out to an existing dwelling. The addition will be 84.4 feet away from Scott Pond and 67.5 feet from the marshy wetland. The marshy wetland acts as an informal auxiliary spillway currently. Lally is working with NH Dams LLC to rectify the dam deficiencies and stated that the proposed new auxiliary spillway will only be used during high flow events. The channel will go where the natural path is and will be a landscaped dry river bed. The State was to do a site walk the previous week but due to flooding in the area, it was cancelled. Gray requested the dam plans for the property file. Lally was agreeable to that.

Joslyn explained the water run-off from the house channels down the berm and re-enters Scott Brook 130-150 feet away below the dam. Lally will trench around the house and install perforated pipes to carry away any run-off. Joslyn stated that the State shoreland permit has been approved. There will be no grading changes but they will use silt fencing and waddles during construction.

Rothermel had concerns about the effect of the dam will have on the addition. Joslyn stated that there is no relation. The spillway will control water in high flow events. There will be a concrete spillway that will spillover with 25-year rain events.

M. Nolan asked if the spillway will improve the property and area by controlling the water flow. Joslyn replied yes. He estimated 6 inch stone being used in the spillway with a geo-textile fabric to prevent silt build up.

Rothermel had concerns about the maintenance of the spillway. Lally stated that he has a mandated plan from the State. The driveway will be built up to allow for a culvert to go underneath.

Young asked if there are any concerns for anyone downstream. Joslyn stated there will be no change in flow. This will just control the flow of water.

**Gray motioned to conduct a site walk on Monday, July 31 at 9:00am. Young seconded. Motion passed unanimously.**

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

**Gray motioned to continue the public hearing to August 1 at 7:00pm. Rothermel seconded. Motion passed unanimously.**

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

### **Public Hearing**

Case #23-07: John Rixby – Site Plan Review – to expand business in the form of a 72x21 foot greenhouse at 72 Jaffrey Road. [Map 15, Lot 52-1 – Rural District]

The LUC confirmed that the public and abutters were notified of the public hearing.

**Gray motioned to accept the application as complete. Rothermel seconded. Motion passed unanimously.**

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

Gray welcomed Jack Rixby to the meeting. Rixby explained that he received a grant to build a 21x72x11 foot greenhouse. It will be a classic tunnel greenhouse with metal posts and plastic sheathing. It will be located 75 feet from the road and 20 feet from the side property line on flat land. The greenhouse will have electricity and heat. It will be used for retail but the grant is to expand wholesale production to supply places like Monadnock Food Co-Op. There will be no change in traffic or advertising. He would like to start construction as soon as possible as construction and use of the grant must be completed by the New Year.

Goodell asked if there are any required setbacks for propane tanks. M. Nolan stated they must be 10 feet from the property line for up to 480 gallons. Anything larger must be 25 feet from property line. The Planning Board requested that the Fire Department be alerted of the propane tank.

**Rothermel motioned to approve the site plan review as presented for John Rixby to expand business in the form of a 72x21 foot greenhouse at 72 Jaffrey Road, [Map 15, Lot 52-1 – Rural District], subject to no conditions. Young seconded. Motion passed unanimously.**

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

### **Preliminary Consultation**

Beth and Ronald Herrick – Boundary Line Adjustment between 144 Putney Road [Map 6, Lot 42] and backland [Map 2, Lot 20] in the Rural District.

Gray welcomed Ron and Beth Herrick and Mike Ploof, representative from Fieldstone Land Consulting, to the meeting. Ploof stated they are proposing a boundary line adjustment between Map 2, Lot 20 and Map 6, Lot 42. Map 2, Lot 20 will go from 15 acres to 61 acres, while Map 6, Lot 42 would go from 62 acres to 16 acres. The purpose is to obtain frontage. This would provide Map 2, Lot 20 with approximately 400-500 feet of frontage. No development is being planned. Ploof requested waivers from items a, c, d, e, g, h, and i. The Board was okay with providing those waivers. Ron Herrick explained that Map 2, Lot 20 is landlocked. There is an easement off Royalston Road across water as the access point.

M. Nolan had concerns as Fish Rock Road is a private road. He also did not feel this was a boundary line adjustment as there is too much land being exchanged. Gray explained that she received an opinion from a land use consultant. The lot is currently non-confirming. After the boundary line adjustment, it will be less non-confirming, which is good. This sort of application is allowed.

Gray advised Herrick to survey the property and work with the LUC to apply for the boundary line adjustment.

### **Preliminary Consultation**

Cynthia Seiler and Diana Brown – Minor Subdivision (2-lots) at 83 Gap Mountain Road. [Map 15, Lot 37 – Rural District/Light Industrial Districts]

Gray welcomed Cynthia and Doug Seiler to the meeting. Doug Seiler explained that this property has been in his wife's family since the 1950's. It is 26 acres and is used as a summer home. They had originally come before the Planning Board for a solar array farm but was approached by Dan Scheerer with PLP. They are here now for a minor subdivision. The property has been surveyed with the new lot following the stone wall and parallel to Route 12.

Scheerer explained the current location for his business is land-locked with the Rail Trail, wetlands, roads, etc. They have doubled the business in five years and have new product lines pending once more space becomes available. The business has about 10 delivery trucks per week, most are receiving. Their product is 45 feet long. It is ideal for them to stay in Fitzwilliam as most employees are from town. Their biggest issue is hiring but the new location will increase visibility, which should help.

Young commented that she spoke with a neighbor to the existing business who was complimentary. She asked Seiler was his biggest concern is. Seiler indicated light pollution. Scheerer explained they are working with a designer and are considering having the mechanical systems on the Route 12 side and the offices in the back to help with any noise.

Gray stated that the first step is applying for the subdivision. If the subdivision is approved, then PLP would go through an in-depth site plan review.

### **Preliminary Consultation**

Earl and Joanna Schofield – Minor Subdivision (2-lots) at 26 Lower Troy Road. [Map 33, Lot 24 – Residential District]

Gray welcomed Earl Schofield to the meeting. Schofield explained his property is 4.5 acres with 620-670 feet of frontage. He is proposing three lots (two new lots, plus the existing lot). The land slopes in the area where the house is; however the land is flatter on the north side. He is thinking of a shared driveway, keeping a tree line buffer, and preserving indigenous vegetation.

Gray advised Schofield to survey the property and then work with the LUC to apply for a subdivision.

### **Preliminary Consultation**

Scheerer Realty Trust, LLC (dba PLP Corporation) – Site Plan Review – to allow for a temporary shop at 646 NH Route 12 South. [Map 8, Lot 13 – Rural District]

Dan Scheerer explained to the Planning Board that they need another production space now. They are looking at the QuickMart on Route 12 South to house their smaller milling process and to use as storage. Gray advised Scheerer that this property is zoned rural and therefore this use will require a variance before proceeding to Site Plan Review.

### **NEW BUSINESS**

Ordinances: Gray updated the Planning Board of her conversation with the ZBA. The ZBA is interested in a joint meeting in September to review the ADU and short-term rental ordinances.

Notice of Decisions: Gray requested that there be a rotation for a Planning Board member to take a lead on drafting Findings of Fact. Rothermel agreed to take the lead for the next case.

### **REVIEW OF MINUTES**

**Young motioned to approve the minutes of June 20, 2023 as written. Goodell seconded. Motion passed.** Yes: 6 [Gray; Young; Goodell; Mays; Woolley; M. Nolan]; No: 0; Abstained: 1 [Rothermel]

### **OLD BUSINESS**

Enforcement: The Planning Board briefly discussed the enforcement letters received. Rothermel asked that the Grainger property be reviewed.

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

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

The meeting was adjourned at 9:05 pm.

Respectfully Submitted,  
Lori Nolan  
Land Use Coordinator

**Minutes approved as written on August 1, 2023.**