

TOWN OF FITZWILLIAM

PLANNING BOARD

Minutes

October 3, 2023

Planning Board Present: Suzanne Gray, Chair; Barbara Young, Secretary; Ed Goodell; Kevin Woolley; Richard Mays; Martin Nolan, Selectmen's Representative; and Josh Joslyn, Alternate.

Planning Board Absent: Tom Rothermel, Vice Chair; and Robin Peard Blais, Alternate.

Staff Present: Lori Nolan, Land Use Coordinator.

Guests Present: Thomas Lally; Mark Anderson; and Linda Anderson.

Working Session – ordinance review

- Gray gave a brief update on the meeting between SWRPC and Carol Ogilvie. Ogilvie will be doing a targeted ordinance review. If we are awarded HOP grant money, then Ogilvie will be able to do a more in-depth review.
- The Master Plan review will take a pause while the Planning Board completes the ordinance review process, including holding public hearings for warrant articles.
- The Planning Board discussed the Workforce Housing ordinance. They had questions in regards to 127-16.4:6-4 – “the net tract area to be subdivided shall be least four (4) acres.” There is a need to define “net tract area”. The Planning Board also felt 127-16.4:6-5 and 6 contained confusing language.
- The Planning Board discussed Accessory Dwelling Units. They felt there should be a better definition of gross floor area. Does this include the exterior footprint or do you factor heated/habitable space?
- The LUC briefly discussed the cases in court.

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

With the absence of one member, Josh Joslyn was seated as a voting member.

Public Hearing

Case #23-09: Mark and Linda Anderson – Conditional Use Permit – to permit construction of a 12x14 foot shed within 75 feet of a wetland at 354 NH Route 119 East. [Map 12, Lot 34-2-2 – Rural District]

Gray welcomed Mark and Linda Anderson to the meeting.

Barbara Young motioned to accept the application as complete. Ed Goodell seconded. Motion passed unanimously.

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

M. Anderson explained they would like to install a pre-built 12x14 foot shed at the end of an existing driveway. The property severely slopes and there is no good spot other than the driveway for a shed. The adjacent property has a spring-fed pond and its run-off stream runs behind the Anderson house and dissipates on the other adjacent property. The wet area is about 10-15 feet to the proposed shed location. There is no digging or backfill proposed. The shed will sit on top of the existing driveway on a concrete slab on grade. The slab will be 4-6 inches thick. The Andersons have no issues installing a gas storage system container in the shed or with adding gutters with downspouts on the house side.

Kevin Woolley commented that the ground is already impervious due to the driveway.

Goodell asked if the bottom is flat all around or if there is any curbing. M. Anderson explained that it was lagged bolted into the concrete with no curbing or berms.

Young felt it is safer to store equipment in a shed than having it on the lawn. She suggested taking a site walk with the Conservation Commission, due to the conditions set by the ZBA for the variance approval.

Goodell asked how far the well head is. M. Anderson stated the well head is closer to the garage but is about 20-25 feet away.

The Planning Board reviewed the WPOD criteria. M. Nolan and Woolley did not feel that they needed Conservation Commission's input. Joslyn felt that a silt fence should be added around the shed while construction is occurring. Others felt a site walk would be helpful.

Gray motioned to conduct a site walk on Friday, October 6 at 2:00pm and to invite the Conservation Commission. Young seconded. Motion passed unanimously.

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

Gray motioned to continue the public hearing for Mark and Linda Anderson – Conditional Use Permit – to permit construction of a 12x14 foot shed within 75 feet of a wetland at 354 NH Route 119 East [Map 12, Lot 34-2-2 – Rural District] to October 17 at 7:00pm. Young seconded. Motion passed unanimously.

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

Public Hearing, continued

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]

Joslyn recused himself from the case.

Gray welcomed Tom Lally, owner, and Josh Joslyn, agent, to the meeting. Joslyn explained that they have amended their plans for the addition to be 18.5 x 55 feet with a bump-out in the ell. The end closest to the septic will be a porch. The amended plan will allow the addition to be more than 100 feet to the surface of Scott Pond and 67.5 feet to the spillway wetland. They have added a rip rap apron with a 5x5 foot stone area in the meadow area to dissipate any water that exits the French drain system. That system will be an 18 inch stone trench around the entire structure, then piped to daylight on the rip rap apron approximately 110-115 feet away and into the spillway stream before ultimately entering Scott Brook. They will install silt fences and waddles until the ground stabilizes. Tom Lally stated that he will seed the area immediately, but does not anticipate that the ground will be stabilized until the next growing season.

Joslyn summarized the case stating that the affected area will be 2,356 square feet, which includes the septic system. The original plan had 3,368 square feet affected. The property is 89 acres and 5.5 acres on this side of the dam and brook.

The Planning Board reviewed the Conservation Commissions comments.

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

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

1. The amended application proposes an 18.5 x 55 foot addition to an existing dwelling at 77 Scott Pond Road (Map 16, Lot 3).
2. The addition has been reduced in size from the original application (originally 30 x 50 feet), thereby reducing the disturbed area within the WPOD to 2,356 square feet, which includes the septic system.
3. The original application proposed an addition 84.4 feet from the surface of Scott Pond, and 67.5 feet to the spillway wetland. The amended proposal plan will be 100 feet to the surface of Scott Pond, but will remain 67.5 feet to the spillway wetland, thereby still requiring a Conditional Use Permit for having construction within 100 feet of a prime wetland.
4. The proposed addition will have 3 bedrooms, while the existing dwelling has one bedroom, for a total of 4 bedrooms.
5. 12 feet of the existing structure will be torn down and will become part of the proposed addition.
6. The proposed addition will have a second floor, while the existing dwelling will remain one floor.
7. Scott Pond is at 1,073 feet elevation and the house is at 1,080 feet elevation.
8. The Conservation Commission submitted a report with recommendations to the Planning Board.
9. The applicant has received a town variance, an approved NHDES shoreland permit, and an NHDES approved septic plan.
10. The septic will be installed approximately 1.5 to 2 feet above current grade.
11. An 18-inch wide stone trench, with a French drain, will be installed around the entire structure, which will carry any roof run-off approximately 110-115 feet away from the house, where it will daylight onto a 5x5 foot rip-rap apron.
12. Silt fences and waddles will be in place around the affected area until the ground stabilizes.
13. Due to the topography of the property, all run-off will travel away from Scott Pond, travelling at least 130 feet before entering Scott Brook below the dam.

14. The applicant, through NH Dams LLC, has provided a 25-foot wide auxiliary spillway conceptual plan, which will have 6-inch stone over geotextile fabric with gradual sloped slides. The proposed auxiliary spillway plan proposes a swale in the field, along with slight grade changes, to control the water flow.
15. The auxiliary spillway design is required by NHDES, as part of the mitigation of a deficient dam on the property. The applicant anticipates approval by NHDES for the dam project in approximately two years.
16. The auxiliary spillway will be maintained by the applicant as required by NHDES.

The Planning Board then voted on the WPOD criteria.

- a. Unanimous
- b. Unanimous
- c. Unanimous
- d. Unanimous
- e. Unanimous
- f. Unanimous
- g. Unanimous
- h. Unanimous

Gray motioned to approve the Conditional Use permit for Thomas Lally to permit construction of an 18.5x55 foot addition to an existing house within the WPOD at 77 Scott Pond Road [Map 16, Lot 3 – Rural District], subject to the conditions. M. Nolan seconded.

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

Conditions:

1. As-built plans, as designed by NH Dams LLC, are to be submitted to the Fitzwilliam Land Use office for the property file upon completion of the dam project.
2. Silt fencing and waddles must be installed prior to the start of construction and remain in place throughout construction.
3. No further grading changes are allowed to the property without Planning Board approval.
4. No further construction on the property, including garages out outbuildings, is allowed without Planning Board approval.
5. Native vegetation, like blueberries, must be planted.
6. Applicant must obtain a construction permit prior to the start of construction.

Josh Joslyn was re-seated as a voting member.

REVIEW OF MINUTES

After a brief discussion and several minor edits, **Young motioned to approve the minutes of September 19, 2023 as amended. Goodell seconded. Motion passed.**

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

ANNOUNCEMENTS

- Housing Navigator: already discussed
- Next working session: ADU and short-term rentals will be reviewed
- NHMA Conference: any members interested in attending should let the LUC know so she can register them.

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

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

The meeting was adjourned at 8:32 pm.

Respectfully Submitted,
Lori Nolan
Land Use Coordinator

Minutes approved as amended on October 17, 2023.