



**BOARD OF SELECTMEN**  
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**BOARD MEETING MINUTES**  
**February 17, 2022**  
**9:00 A.M.**

**Selectmen Present:** Robyn Bates, Brian Doerpholz, John E.F. Craig

**Guests:** in person - Dana Pinney, Richard HKS Thackston via Zoom – Robert Ford, Jean Ford, Owner

Ms. Bates called the meeting to order at 9 a.m.

**PRIMARY:**

**PUBLIC COMMENT** – No Comment

**\*\*\* APPROVE MANIFESTS**

Mr. Doerpholz made a motion to approve the manifests. Mr. Craig seconded. Ms. Bates - Yes, Mr. Doerpholz – Yes, Mr. Craig - Yes. Approved – 3-0

**\*\*\* REVIEW SIGNATURE FOLDER** – The Selectmen reviewed and signed

**9:15 MEET WITH GRETCHEN WITTENBORG**

Gretchen Wittenborg and Bob Corrette met with the Selectmen to discuss issues between her property and the Town Hall. Ms. Wittenborg shared that most of the previous Boards of Selectmen had been aware that in the past they (Town) have used a good deal of her property. Ms. Wittenborg needs to define where the Town is using her property. Ms. Wittenborg is having a surveyor stake and mark her property, so she can see how much of her property is being used by the Town. Ms. Wittenborg mentioned some of the outside work that she needed to do, such as tree work, brush burning, and fence repair. Ms. Wittenborg noted that the surveyor she hires would not be local. Ms. Wittenborg and Mr. Corrette know where the property line is for the Town Hall and she shared with the Selectmen a map of her property. Mr. Doerpholz asked once Ms. Wittenborg knows that information, what would she do. Ms. Wittenborg didn't know. She shared a larger map with the Selectmen and Mr. Corrette shared that when Templeton Turnpike was laid out in 1809 it was 4 rods by the time the Town acquired the property in 1830 and by 1860 it was changed to a 3 rod road. Over the years, the Town has moved in using some of Ms. Wittenborg's property.

Ms. Wittenborg mentioned the Town well. She shared that when she and her late husband purchased the property, the previous owner didn't disclose the well, which belonged to the Fitzwilliam Village Water District and the previous owner didn't sign anything with the District. The well's location is in the middle of the road that goes beside her property and to the back. The Village Water District uses this well as well as three others in supplying District customers. Ms. Wittenborg noted that there isn't an easement. The pump well isn't adequate to provide enough water. She mentioned that DES came in and asked that their manure pile be moved as it was within 75 feet. Ms. Wittenborg shared that in 2006 a Commission of the Village Water District threaten to take their property by eminent domain. Ms. Wittenborg shared that they spent \$9,000 defending their ownership. Ms. Wittenborg noted that she had a title company verify her property. If the 75 foot access is enforced, she won't have any access to her back property or her septic systems and the Town's septic system. DES notified the members of the Village Water District that they needed to get an easement – it ended in stalemate. The previous owner of her farm had signed a Permissive Use and Ms. Wittenborg terminated the Permissive Use and did a Termination of Permissive Use document. Ms. Wittenborg reviewed the document which states what the Village Water District can't do but she noted that they continue to do those things.

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Ms. Wittenborg noted that the previous owner was contacted by the Village Water District and they had her sign their affidavit, which they recorded in the Cheshire County Registry of Deeds. Ms. Wittenborg stated that she wasn't given notice. She noted that the Village Water District's ownership of the well is in question. Ms. Bates shared that as she understands it, the Village Water District isn't doing anything yet. Ms. Bates stated that if the Selectmen had known, Ms. Wittenborg would have been brought in for the discussion.

Ms. Wittenborg shared that in late 2007, the Village Water District was offered 6 acres on Upper Troy Road for \$20,000. There is a huge aquifer there and it was her opinion that no one should have refused. Ms. Wittenborg shared that she wants to continue to use the farm as they have and to use the access to her 24 ½ acres. Ms. Bates asked what the Village Water District is attempting to do with the well. Ms. Wittenborg mentioned that DES wouldn't be able to do anything to her because there isn't an easement. Mr. Craig acknowledged he has a conflict of interest in that he is currently the clerk of the District and also serves as a Town Selectman, yet apologized for how she feels they were treated and hoped that she and the District could reach a resolve. Mr. Craig shared that Ben Thomas is currently the Chair of the Village Water District and he can't believe that a resolve can't be reached. Ms. Wittenborg shared that the well can't stay where it is. Ms. Bates mentioned that once Ms. Wittenborg has a survey done, even though this is out of the Selectmen's purview, they would be willing to serve as a conduit. Mr. Craig reviewed the work that the Village Water District has discussed. Ms. Wittenborg's goal would be to see the well removed.

Mr. Doerpholz asked that once the property is surveyed, if the Selectmen could do a site walk. Ms. Wittenborg shared that she would consider the request. Mr. Doerpholz thought that it would help them understand the layout of the land. Mr. Craig asked if he could begin a process of examination that would lead to some equitable resolve. Ms. Bates suggested that he wait until after the survey has been done. Ms. Wittenborg shared that she needed to think about this a little more. Mr. Craig shared that he won't say anything at the Village Water District level, until the Selectmen indicate it appropriate.

Ms. Bates shared that as the public can read the minutes, and has access via Zoom, it would be discussed, but not by the Board of Selectmen. Ms. Wittenborg agreed and again, Mr. Craig apologized.

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### MEET WITH DPW DIRECTOR GLENN SMITH

Mr. Doerpholz shared that the ice stops at the Transfer Station were installed yesterday and if not completed, it would be finished up today.

Ms. Bates gave an overview of what transpired with Mr. & Mrs. Herrick before Glenn Smith was hired as the DPW Director. Ms. Bates shared that driveways on Class 6 roads are not allowed. Glenn Smith shared that he would like to have someone from the Board of Selectmen be present on the site walk, as well as a Planning Board member. Ms. Bates mentioned that they could send the Land Use Coordinator, a Selectman with Mr. Smith to do a site walk. Mr. Smith asked if the Selectmen were familiar with the requested location for the driveway. Mr. Smith gave the Selectmen a hand out showing the location of where the owner would like to put the driveway, which is at the intersection of Putney & Fish Rock Road. Mr. Smith noted that it is 300 feet from Putney Road. Ms. Favreau shared that Mr. & Mrs. Herrick should be contacted before a site walk is conducted. It was agreed that the Land Use Coordinator, and a Selectman would accompany Mr. Smith. Ms. Favreau shared that issuing a driveway permit doesn't guarantee approval for construction. Mr. Doerpholz offered to do the site walk. Mr. Doerpholz asked if the driveway ends up on a Class 6 road, is it the same as having a driveway on a Class 6 road. Mr. Smith asked if a private road, who owns the road. Dana Pinney asked if there was a precedent for approving a driveway. Ms. Bates stated they are only discussing the driveway permit.

Mr. Smith shared a driveway permit he got from another town. He shared that if this sort of information was on the Town's website it would be helpful. Mr. Smith would like to see guidelines in place. Ms. Bates shared that Mr. Smith could ask the Land Use Coordinator for information from those Boards. Ms. Bates mentioned that the Selectmen don't want to set precedent for driveways on a Class 6 road. It was asked if the Selectmen's responsibility was to share the site walk information with others who are on the private road for them to understand what is happening. Ms. Bates shared that once we find out what our responsibility is regarding a private road, we can provide the information. The Selectmen agreed. Richard HKS Thackston asked what town the guidelines were from and Fitzwilliam not allowing a driveway on a Class 6 road. Mr. Smith shared that it was from the Town of Swanzy. Mr. Thackston shared that in Troy, someone wanted to purchase property on a Class 6 road, which was at the end of Tolman Road and goes to Route 12. Mr. Thackston shared what the Town of Troy was willing to do. The Selectmen agreed not to discuss at this time.

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### CONSTRUCTION PERMIT - Map 13, Lot 1

**Map 13, Lot 1** – Mr. Doerpholz made a motion to approve the Permit for Map 13, Lot 1. Mr. Craig seconded. Ms. Bates - Yes, Mr. Doerpholz – Yes, Mr. Craig - Yes. Approved – 3-0 - The Selectmen agreed that an Occupancy Permit was needed.

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### \*\*\* UPDATE ON BOARD MEETINGS

Planning Board – Ms. Bates shared that it was a working session, as there were no applicants. Ed Goodell gave a CIP update. He learned a lot and was happy to hear about volunteering to reduce the CIP. Ms. Bates gave an update on the following: letter from the State to Sebastian & Rebecca Barthelmess, Herrick – appealed to Superior Court – case dismissed for lack of ZBA jurisdiction, Onges – case in front of Housing Appeals Board, and Irving – appealed by the abutter to Superior Court – case is still pending.

The Planning Board discussed the Master Plan and the survey. The Forum is scheduled for March 26<sup>th</sup> at 10 a.m. at Emerson School. They are looking for volunteers. Reporting on the day's event would be held from 2:00 – 3:00 p.m. There is concern on the Zoom facilitating of the forum. They are working on all of the details.

Zoning Ordinances for potential future changes – Ms. Bates shared they are defining: drive thru's, short/long terms rentals, noise, tiny homes, junk/junky yards, hammerhead lots, sign ordinance for group businesses, multi and workforce housing, and retail on cannabis for medical use. Ms. Bates shared that there was a lot of great discussion.

Master Plan – Mr. Doerpholz shared that they are trying to draft people to be the facilitators. Originally there were eight topics and members would be the facilitators. Now there are six topics and there would be a morning and afternoon session. Sarah Olson and her husband would do the Zoom connection, boxed lunches would be offered, and the meeting would be from 10:00 a.m. – 3:00 p.m. Everything would be summarized at the end. Mr. Doerpholz shared that members would be floaters and there would be training for the facilitators.

Library Trustees – A subcommittee was created to look at the Library's long range plan and Richard Marshall is helping them. Mr. Doerpholz shared that it would be a ten year plan and that they had a good meeting.

Mr. Craig mentioned contacting Fleur de Lis to see what they have for a coffee set up to use at the forum. Mr. Doerpholz shared who would be contacted. Mr. Craig also mentioned checking with Dunkin to see if they would donate coffee.

### \*\*\* ACCEPT FEMA GRANT

This was for information only. Ms. Favreau shared that she would schedule a Public Hearing.

### \*\*\* DISCUSS ARPA MONEY

#### - Discuss letter from Suzanne Gray regarding equipment

Ms. Favreau shared that she didn't know if the Selectmen wanted to wait and discuss on Town meeting day when they would have a lot of time.

Ms. Bates shared that she reviewed Suzanne Gray's memo and it is outdated with the update from the CDC. Ms. Bates felt the Selectmen should discuss the video equipment. Ms. Favreau suggested that we start with the extended microphone for the poly system. Ms. Bates agreed to start there.

Ms. Bates made a motion to approve the purchase of the extended microphone for the existing Zoom poly system. Mr. Craig seconded. Ms. Bates - Yes, Mr. Doerpholz – Yes, Mr. Craig - Yes. Approved – 3-0

Mr. Doerpholz suggested that if we want to add more equipment for the Zoom platform that we bring in an expert. He felt that the need for Zoom for Covid has almost passed. Discussion was held on not having the infrastructure for having Zoom in the upper hall.

Ms. Bates shared that the Selectmen could discuss Ms. Gray's e-mail but wanted to wait to see how the extended microphone works before purchasing additional equipment. Ms. Bates asked about writing a letter to our representatives. Mr. Doerpholz discussed the reduction in cases of Covid in New Hampshire. Mr. Craig thought the letter would be helpful and suggested sending Ms. Gray's letter along with Mr. Doerpholz' letter. After discussion, the Selectmen agreed. Ms. Favreau would contact Ms. Gray.

### \*\*\* DECIDE ON LEGAL REPRESENTATION – ZONING APPEAL

Mr. Doerpholz shared that we already had someone look at it the first time. It is his opinion that there is no case here, this is a delay tactic. The ZBA reheard the case and he didn't think there was anything out of line. Mr. Doerpholz would like to go back to the attorney used the first time and ask the Court to dismiss. Ms. Favreau shared that it was Attorney Joseph Hoppock.

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Ms. Favreau shared that he would represent the Town in Court. Mr. Doerpholz asked that a copy of the minutes be sent to him to review. Ms. Favreau would contact Attorney Hoppock.

Ms. Bates made a motion to have Attorney Joseph Hoppock be our representation for case #213-2022-CV-0014. Mr. Doerpholz seconded. Ms. Bates - Yes, Mr. Doerpholz – Yes, Mr. Craig - Yes. Approved – 3-0

**\*\*\* REVIEW LUCT RECOMMENDATION FROM AVITAR**

Ms. Bates reviewed the LUCT for Map 14, Lot 40-5 which is valued at \$70,000, revealing a LUCT of \$7,000 and Map 18, Lot 20 which is valued at \$200, revealing a LUCT of \$20.

Mr. Craig made a motion to approve the LUCT for Map 14, Lot 40-5, and Map 18, Lot 20. Mr. Doerpholz seconded. Ms. Bates - Yes, Mr. Doerpholz – Yes, Mr. Craig - Yes. Approved – 3-0

**\*\*\* NON-PUBLIC SESSION RSA 91-A:3 II(c) – Exemption Application**

At 10:40 a.m. Ms. Bates made a motion to go into non-public session under RSA 91-A:3 II(c). Mr. Doerpholz seconded and the motion passed 3-0. Roll Call vote: Ms. Bates - Yes, Mr. Doerpholz – Yes, Mr. Craig - Yes.

At 10:58 a.m. Ms. Bates made a motion to leave non-public session and seal the minutes as disclosure would adversely affect the reputation of the person other than a member of the board. Mr. Craig seconded and the motion passed 3-0. Roll Call vote: Ms. Bates - Yes, Mr. Doerpholz – Yes, Mr. Craig - Yes.

**\*\*\* NON-PUBLIC SESSION RSA 91-A:3 II(e) – Legal**

At 10:58 a.m. Ms. Bates made a motion to go into non-public session under RSA 91-A:3 II(e). Mr. Doerpholz seconded and the motion passed 3-0. Roll Call vote: Ms. Bates - Yes, Mr. Doerpholz – Yes, Mr. Craig - Yes.

At 11:51 a.m. Ms. Bates made a motion to leave non-public session and seal the minutes as disclosure would adversely affect the reputation of the person other than a member of the board. Mr. Craig seconded and the motion passed 3-0. Roll Call vote: Ms. Bates - Yes, Mr. Doerpholz – Yes, Mr. Craig - Yes.

**INFORMATION**

The Selectmen reviewed their meeting schedule and agreed to meet on Thursday, February 23<sup>rd</sup> at 7 p.m., Thursday, March 3<sup>rd</sup> at 9 a.m. and Tuesday, March 8<sup>th</sup> at 11:30 p.m.

**ON-GOING BUSINESS:**

- \*\*\* TOWN-WIDE ISSUES TO BE ADDRESSED AND THEIR ENFORCEMENT**
- Unregistered vehicles
  - Debris and junk in yards

Ms. Bates made a motion to adjourn the meeting at 11:56 a.m. Mr. Craig seconded and the motion passed. 3-0

Submitted by:

Sheryl White  
Secretary to the Board of Selectmen

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Robyn Bates, Chairman

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Brian Doerpholz

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John E.F. Craig  
Board of Selectmen