



**BOARD OF SELECTMEN**  
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**BOARD MEETING MINUTES**  
**October 13, 2022**  
**6:00 P.M.**

**Selectmen Present:** John E.F. Craig, Martin Nolan, via phone – Brian Doerpholz

**Guests:** Dana Pinney, Peter Greenan

Mr. Craig called the meeting to order at 6 p.m.

**PRIMARY:**

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

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

**\*\*\* APPROVE AMENDED MINUTES OF AUGUST 17, 2022**

**- Amendment of the motion for Acceptance of Unanticipated EMPG Grant as required**

Mr. Doerpholz made a motion to approve the amended minutes of August 17, 2022. Mr. Craig seconded. Mr. Doerpholz – Yes, Mr. Craig – Yes, Mr. Nolan - Abstain. Approved – 2-0

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

**\*\*\* REVIEW CONSTRUCTION PERMIT APPLICATION**

- Map 35, Lot 35
- Map 32, Lot 12

**Map 32, Lot 12 –** Mr. Craig made a motion to approve the Permit for Map 32, Lot 12 pending clarification of the size of the 5X4 section and if electricity would be added. Mr. Nolan seconded. Mr. Doerpholz – Yes, Mr. Craig – Yes, Mr. Nolan - Yes. Approved – 3-0

The Selectmen agreed that a Certificate of Occupancy was needed.

**Map 35, Lot 35 –** Mr. Nolan made a motion to approve the Permit for Map 35, Lot 35. Mr. Doerpholz seconded.

Mr. Doerpholz – Yes, Mr. Craig – Yes, Mr. Nolan - Yes. Approved – 3-0

The Selectmen agreed that a Certificate of Occupancy was needed.

**\*\*\* Map 36, Lot 23 -** Peter Greenan shared that they currently have their camper there until winter. He had met with Carl Hagstrom to design a septic system and the State needed to approve. In the meantime he received a letter from the Town stating there was a zoning violation. Ms. Favreau shared that it is .2 acres and it is non-buildable because it is wet. Mr. Greenan didn't want to have any violations and wanted to clear that up. Mr. Greenan shared that he is looking for a septic design approval and not asking for a Construction Permit. It was noted that Mr. Hagstrom shows it as a septic for the camper. Ms. Favreau shared that if he wanted a septic for a house, he needed to submit a plan for a house. Mr. Nolan shared that a septic is designed for the number of bedrooms. Mr. Greenan shared that the septic is a holding tank. Ms. Favreau noted that the Town doesn't allow a septic system for a camper. Mr. Greenan shared that it wasn't his intent and asked if he should have Mr. Hagstrom change the design. Mr. Greenan mentioned that his deed states that a home had to be at least 400 square feet. It was noted that he would need to go by Statute 674.41 and he needed to go through Land Use to get zoning waivers because at this time it doesn't meet our zoning regulations. Mr. Greenan shared that he has met with Lori Nolan and he is doing what she had told him needed to be done.

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Ms. Favreau shared that if the Selectmen sign off on the septic plan, it tells the State that we are stating that it meets all zoning. Ms. Favreau shared that she would discuss with Ms. Nolan. Mr. Greenan would talk with Mr. Hagstrom to take the camper off of the design.

### 6:30 MEET WITH GRETCHEN WITTENBORG

Gretchen Wittenborg shared that the Fitzwilliam Village Water District had responded at the very last minute to the lawsuit that she has brought against them. Ms. Wittenborg noted that since 1997 the land has been gated and the Village Water District hasn't had access. Then they turned around and sued her. Ms. Wittenborg stated that any discussion that she has had with the Board of Selectmen for the land that the Town has been using, the offer is off of the table. Ms. Wittenborg will contact her insurance company to find out what she needed to do. She will do some posting on her boundary line and may ask the Selectmen not to mow that area. Mr. Craig shared that he is connected to the Village Water District as a Clerk and he didn't know if he should recuse himself and leave the meeting during the discussion. Mr. Craig didn't want to be a conduit. Ms. Wittenborg shared that she didn't have anything inappropriate to say. She shared that she paid over \$10,000 in real estate taxes for land that she can't use and she would be asking for an abatement for land that the Town has been using. Ms. Wittenborg noted that she will also be asking for damages. Ms. Wittenborg mentioned that she would be moving back into the house in the spring and taking up residence there again, as she doesn't want to lose the potential to do what she needs to do.

Ms. Wittenborg noted that the Village Water District is trying to take two acres from her. The previous owner only gave temporary permission for the use of the well and Ms. Wittenborg would not only ask for damages, she would ask the Judge for removal of that piece of property from the Village Water District. Ms. Wittenborg shared what had transpired in the past.

Ms. Wittenborg handed the Selectmen a letter stating the following:

Gentlemen; Notwithstanding any prior discussions, I would like to put you on notice that I have no intention of making a gift of any of my right, title and interest in the property I own known as "Steeple Chase" to the Town of Fitzwilliam, specifically the parcel show on a recent survey done by Richard Drew. Very truly yours, Margaret Wittenborg.

Ms. Wittenborg also gave the Selectmen a copy of the survey that she had done, showing the Town building, and equipment that is on her property.

Ms. Wittenborg asked if the Selectmen had any questions. Ms. Craig shared that he appreciated Ms. Wittenborg meeting with them. Mr. Nolan mentioned having to move the propane tanks. Ms. Wittenborg noted that they need to be moved a lot further from the boundary line to meet regulations. Ms. Wittenborg discussed the e-coli in the stream. Mr. Craig asked if they would be able to see the line markers to know what they need to move. Ms. Wittenborg shared that some of the posts have been removed.

### 7:00 PUBLIC HEARING TO DISCUSS JUNKYARD REGULATIONS

Mr. Craig opened the public hearing at 7:00 p.m. and the public hearing notice was read.

Those in attendance were: Dana Pinney, Suzanne Gray, Curt Felix

Mr. Craig asked if there were any comments. Mr. Pinney asked where the document came from and what does this bring to the Town that the State regulation doesn't. Mr. Craig shared that a regulation from another town was used. Mr. Nolan shared that they looked at several towns and modified the ordinance from the town of North Hampton. It is State RSA 236. Mr. Nolan noted that the State isn't a strict as the town wanted it to be. Ms. Gray shared that the Planning Board had meetings on this and they had looked at other town's ordinances. The Planning Board was not in favor of moving ahead with implementing a junkyard ordinance. Mr. Craig shared that it is a junk yard regulation. Mr. Doerpholz noted that it is more comprehensive. This will cover those properties that don't have a junk yard permit and would require one to be obtained. Mr. Craig shared that this covers health and safety issues as well as protection of abutter's properties. Mr. Nolan shared that it also protects the environment. Ms. Gray shared that the Planning Board was concerned with vehicles leaking fluids. Mr. Doerpholz shared the Selectmen are also concerned with environmental and health as well.

Mr. Craig shared that the Selectmen have been reviewing policies and they had a junk yard come up for renewal and the Selectmen had a few problems with it and decided to have a more comprehensive regulation. Mr. Pinney didn't see any quantitative description of what constitutes a junk yard and who would enforce. Mr. Craig shared that the Health Officer is key to the junk yard regulation. Mr. Pinney felt that it is very subjective and is a concern. Mr. Nolan shared that it is very subjective and all facts needed to be taken into consideration. Defining every possible scenario isn't possible. Mr. Doerpholz agreed with Mr. Nolan and shared that every regulation or ordinance is subjective. It is impossible to define every possible instance. It doesn't mean we won't go forward in having a discussion with possible violators. Ms. Gray agreed with Mr. Doerpholz and shared why the ordinances are vague.

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Mr. Pinney asked what this added to the town as a tool that the Selectmen need. Mr. Craig shared that it speaks to what constitutes concerns in a yard around garbage and vehicles. Mr. Doerpholz shared that it gives the Selectmen greater flexibility to shape our town. It isn't static and if needed, can be modified, it is a starting point. Ms. Gray shared that when the Planning Board did their research that sometimes it is under the Board of Selectmen, the Planning Board or the ZBA. Mr. Nolan shared that an ordinance needed to go before the Town and shows that the Selectmen support. Mr. Doerpholz shared that these were regulations in other towns. Mr. Doerpholz acknowledged that even if the Planning Board didn't want to do an ordinance, we would have this regulation. This is a starting point.

Mr. Doerpholz made a motion to adopt the junkyard regulation. Mr. Nolan seconded. Mr. Doerpholz – Yes, Mr. Craig – Yes, Mr. Nolan - Yes. Approved – 3-0

There being no further public comment, Mr. Doerpholz moved to close the public hearing at 7:35 p.m.

### \*\*\* REVIEW CONSTRUCTION PERMIT APPLICATION

- Map 35, Lot 35
- Map 32, Lot 12

### \*\*\* REVIEW COUNTY APPORTIONMENT

The Selectmen reviewed and noted that Fitzwilliam's portion of the County's apportionment went down. Mr. Nolan is deeply concern with the County's total appropriation.

Mr. Nolan gave an update on the County's ambulance service. Mr. Nolan also discussed local Fire Departments and shared how they may evolve. Mr. Doerpholz mentioned the Police Academy for part-time officers.

### \*\*\* DISCUSS LETTER FROM PLANNING BOARD

Mr. Craig reviewed the letter from the Planning Board. Mr. Doerpholz shared that he and Ms. Favreau have drafted a response. Mr. Doerpholz shared that Fire Chief Adam Dubriske had mentioned that the work at TurnKey Lumber was coming to an end. Curt Felix shared that he is thrilled to see a business in town that is thriving. It is wonderful but what occurred to him the other day is that the other noises were them creating pens for vertical storage of pallets and lumber. They also have something that looks like a skid steer. Mr. Felix stated that it is just a lumber operation that goes on all day long and at their house the sound is close to a lawnmower. Mr. Felix thought there might be a way to mitigate the noise and noted that it would be worse during the winter time. It is 6:30 a.m. to 5:00 p.m. – 7 days a week. Mr. Felix didn't want to complain about this but thought there could be a way to mitigate.

Ms. Gray shared that something has changed with their operation. The new noise on Sunday was 40-45 decibels. Mr. Pinney shared that he hears the same noise. Mr. Craig shared that it sounded like moving from an internal operation to be an outdoor and indoor operation. Mr. Doerpholz asked what the Planning Board was told about their business. Ms. Gray shared that they mentioned the only noise that would be heard is the backing up of the trucks and their operation was indoors. Ms. Gray was asked and shared that the noise wasn't put down as a condition. Mr. Doerpholz asked if Turnkey Lumber representatives could come back to the Planning Board regarding a change of use. Ms. Gray shared that it does fall back to the Planning Board. Ms. Gray asked if the Planning Board should send a letter asking them to come to meet with them. Mr. Doerpholz wanted to find out if there is a change of use before the Selectmen approach them with a violation. Mr. Felix shared that their work is inside. The issue is getting the materials inside that is creating the noise. Mr. Craig thought that maybe TurnKey Lumber changing their location to the back of their building has created the increase in the level of noise. After discussion, Mr. Doerpholz suggested sending a letter from the Selectmen to TurnKey Lumber stating that we believe there has been a change in their operation which has affected neighbors in a negative way and we would like to discuss.

Mr. Pinney shared that they have been doing bulldozing and excavation for a long time and they have acerbated the noise by clear cutting their lot. He noted what was mentioned in the beginning to the Planning Board about their operation. Mr. Doerpholz shared that the Selectmen could send a letter that we have received concerns that there is increased activity creating an increase of noise and wondered if there has been a change in operation. Mr. Felix suggested that instead of mentioning a change in operation, mention that they are exceeding the noise level. The Selectmen would shared the letter with Ms. Gray and Ms. Nolan.

It was noted that the night sky complaints have been addressed, except for AB Tech. Mr. Doerpholz shared that the regulation doesn't have any height restriction. Mr. Pinney shared the lights are shining out. Mr. Craig suggested that the Selectmen do a drive by and discuss. The Selectmen will stay on top of this issue.

Mr. Craig shared that as he travelled around looking at violations of the night sky, he found the Town Hall in violation. The light illuminates the steeple. Mr. Craig asked that if Ms. Gray finds issue that the Selectmen need to be made aware of, to come and meet with them.

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**\*\*\* BUDGET WORK**

- Review Health Insurance Renewal
- Review recommendations suggested for CIP and Building reviews

**Health Insurance Renewal** – It is an increase of 11%. Last year there was a reduction of 8.9% due to Covid.

**Recommendations suggested for CIP and Building Reviews** – Mr. Craig asked to find out about Justin Killeen’s experience in construction. Mr. Doerpholz mentioned that Kevin Parker redid the Police Department and is retired but lives in Town. Mr. Doerpholz wondered if Mr. Parker could walk around with the Selectmen to do some estimating. Ms. Favreau shared that Mr. Killeen is an estimator for Bensonwood and he went around with the Selectmen previously to look at the town buildings.

It was noted that the CIP process is valuable. Departments need to review every year and make necessary adjustments. CIP elevates having extreme expenditures in any given year.

**\*\*\* DISCUSS NOISE COMPLAINT - Discussed earlier under - DISCUSS LETTER FROM PLANNING BOARD**

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

At 8:30 p.m. Mr. Doerpholz made a motion to go into non-public session under RSA 91-A:3 II(c). Mr. Craig seconded and the motion passed 3-0. Roll Call vote: Mr. Doerpholz – Yes, Mr. Craig - Yes, Mr. Nolan - Yes.

At 8:40 p.m. Mr. Nolan made a motion to leave non-public session. Mr. Doerpholz seconded and the motion passed 3-0. Roll Call vote: Mr. Doerpholz – Yes, Mr. Craig – Yes, Mr. Nolan - Yes.

At 8:40 p.m. Mr. Nolan made a motion to seal the non-public minutes as disclosure would adversely affect the reputation of the person other than a member of the board. Mr. Doerpholz seconded and the motion passed 3-0. Roll Call vote: Mr. Doerpholz – Yes, Mr. Craig – Yes, Mr. Nolan - Yes.

**INFORMATION**

**ON-GOING BUSINESS:**

**\*\*\* TOWN-WIDE ISSUES TO BE ADDRESSED AND THEIR ENFORCEMENT**

- Unregistered vehicles
- Debris and junk in yards

Mr. Nolan made a motion to adjourn the meeting at 8:41 p.m. Mr. Craig seconded and the motion passed. 3-0

Submitted by:

Sheryl White  
Secretary to the Board of Selectmen

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Brian Doerpholz, Chairman

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John E.F. Craig

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Martin Nolan  
Board of Selectmen