

APPROVED
Town of Fitzwilliam
Planning Board Meeting
January 3, 2017

Members Present: Terry Silverman, Suzanne Gray, Robin Blais, Paul Haynes, Matt Buonomano and Nancy Carney, Selectmen's Representative.

Others Present: Susan Silverman, Selectman, Jeanne Sable & Paul Kotila, Conservation Commission, and resident and non-resident landowners whose property abuts designated prime wetlands.

Call to Order: 7:00 PM

7:00 PM Public hearing continued - to discuss amendments to the Wetlands Protection Overlay District Ordinance, stemming from the Prime Wetlands Study conducted by the Board of Selectmen in 2016.

Silverman opened the continued hearing and proceeded to go over each proposed change to the existing wetlands Overlay District Ordinance, noting that there are no drastic impacts and that there is relief for property owners who may have projects within the proposed prime wetlands buffer, just as there are now for projects within the existing 75 foot wetlands buffer.

He observed that the proposal to designate prime wetlands and to add 25 feet to the existing 75 foot wetlands buffer is a way to protect our high value wetlands and the quality of Fitzwilliam's water. He added that what Fitzwilliam has is remarkable and rare, and now is the time to protect it going forward.

Silverman read two proposed warrant articles to be voted on in 2017, one regarding the Prime Wetlands designations and the increase in buffer to 100 feet; and the second regarding the editorial changes proposed to the existing wetlands overlay district ordinance.

He opened the floor for discussion. Mr. McGonagal asked what violations of the existing ordinance had prompted the proposed amendments. Blais replied that changes were not in response to violations, but are proposed based on findings from the Prime Wetlands Study approved by Town Meeting in 2016.

Silverman clarified that the proposed prime wetlands buffer is 100 feet, which is 25 feet more than the existing buffer and applies to prime wetlands only. The existing 75 foot wetlands buffer will continue to apply to all other wetlands, as it has since adopted by the Town in 2006.

A landowner from out of state questioned whether the value of her property would be changed by this 100 foot buffer and its restrictions. Silverman said that any existing structure on the property is grandfathered and a new owner planning to make changes would need to go to the Planning Board and ZBA for permits.

A gentleman living on Scott Pond said his property is hemmed in tight quarters, and this buffer would make it even tighter. He questioned whether a 100 foot buffer really needed since all Fitzwilliam water drains to the Connecticut River and then on into the Atlantic Ocean.

In response to a question about septic tank installation, Suzanne Gray said the conditional use approval process deals with installations. Engineer and septic designer Paul Grasewicz said the 100 foot buffer around prime wetlands would not necessarily make the cost of installation of a septic system cost more than installation in the existing 75 foot wetlands buffer. Silverman said if a wetlands scientist was needed it might cost more.

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Silverman said that conditional use permits are based on the following criteria: it is a reasonable and productive use of the land; minimizes detrimental impacts to wetlands and restoration; no reasonable alternative exists; and any altered wetland is less than 2,000 sf.

Asked how the prime wetlands were selected, Kotila said there are 8-10 different criteria that determine the value of wetlands, and the six chosen for the Prime Wetlands designation were the highest value wetlands in both ecological characteristics and protection of water quality of the 16 wetlands surveyed.

He added that all wetlands are not equivalent. He said that the proposed amendments are not about restricting use of property, adding that there are many ways to deal with the various unique situations that arise.

A Sip Pond landowner said they have been trying to clean up the area but nobody is policing the area. Silverman said the Town does not seek out violations but individual projects can be brought to the Planning Board to be dealt with individually.

Crystal Borden, Fullam Hill resident, noted that one has to go to the State for action on septic systems. She said it is very important to protect our wetlands and water sources. There needs to be a balance between individual needs and the community's needs. She said individual rights must be balanced by individual responsibility.

Susan Silverman reminded everyone that Rick Van de Poll discussed how easily wetlands can be "flipped," losing their functionality and value, noting that these prime wetlands are areas worthy of protections. She said this also protects landowners from actions of neighbors that might result in loss of wetland functionality and will protect property value in the future. She said "we can't get them back!"

Terry Silverman said if you have planned a project on your property you will have to get approvals from the State and Town.

Buonomano asked if the 100 foot buffer will be measured horizontally. It will be.

Sheila Young on Scott Pond said her entire property is within the proposed 100 foot buffer and she wondered if/how they could make any changes. Silverman said apply for a conditional use permit for decks, additions, roofing a deck. He said increasing impervious surfaces may require mitigation measures.

Asked when the proposed amendments would go into effect, Silverman responded that the warrant articles will go on the ballot for a vote on Town Meeting day. If accepted by the Town, the next step is to have the State review the Prime Wetlands recommendations from the Town. Silverman said if the Town votes it down it will not go into effect.

Marion Wheeler asked if it was voted in, would that give permission to add other prime wetlands. Carney said any addition of prime wetlands would be voted on by the Town.

Tricia Toomey asked if voters would be asked to add 25 feet to the existing buffer. Silverman said no, the vote would be for a 100 foot buffer for Prime Wetlands only.

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A man noted out of state residents have no say. Blais said all registered voters have a say.

Silverman moved, Blais seconded and the Board voted to place the two proposed warrant articles on the ballot. Silverman moved, Blais seconded and the Board voted to continue the hearing to Tuesday, January 24th at 7:00.

Buonomano asked if the articles could be amended on the 24th. Silverman said yes.

8:00 PM Public hearing. Janice Ford and John Noonan application for a boundary line adjustment between properties Map 28, Lot 36 and Map 28, Lot 42, Residential District.

Carney recused herself as an abutter to the case. Mr. Grasewicz presented the plan. Silverman reviewed the application and moved to accept it as complete. Gray seconded the motion and the Board accepted it

Mr. Grasewicz described the situation. Mr. and Mrs. Ford wish to convey a parcel (A) to Mr. Noonan, making his lot deeper, and squaring off the Ford lot. Mr. Burnham, an abutter, disputed the survey, saying a section of land he has been paying taxes on for 16 years was portrayed as not his land but part of the land to be conveyed to Mr. Noonan. Mr. Grasewicz explained that the plat is drawn to measurements corresponding to the deeds and the deed measurements fit to the pins in the ground.

It was explained to Mr. Burnham that tax maps are not the same as surveyed maps. When a landowner has land surveyed and gives the town a copy, the boundary lines can be made more accurate. However the town maps were made from aerial photos and mistakes in boundary lines can be carried over for years. Mr. Burnham asked the Board to stop all proceedings until maps from the past can be researched to support his claim.

Silverman said the Board is bound by statutes to accept a plat surveyed by a licensed surveyor. He added that the Town cannot settle disputes between neighbors, adding that Mr. Burnham may want to engage an attorney to help him resolve this issue in civil court.

Gray moved, Paul Haynes seconded and the Board approved the boundary line adjustment as presented. The Chairman and Secretary signed the mylar and three copies of the plat for the Town. Silverman made it clear that the Board's action takes no side in the dispute between property owners.

The Board reviewed a draft letter it will send to DRED regarding the Webb Hill Quarry operation boundary line amendment. The Board agreed the letter accurately represents the Town's position.

Carney, Fire Chief, told the Board that the Fire Wardens would like to be able to issue burn permits during the winter. She asked what the procedure is to allow that in Fitzwilliam. Gray said that if it is found to be a regulation rather than an ordinance it could be enacted by the Planning Board immediately.

Minutes. The Board reviewed the minutes of the December 6, 2016 meeting, finding one typo. Blais moved, Buonomano seconded and the Board approved the minutes as corrected.

The meeting adjourned at 9:15 PM.