

APPROVED
Town of Fitzwilliam
Planning Board Meeting
January 20, 2015

Members Present: Terry Silverman, Robin Blais, Suzanne Gray, Mac Landy, Carlotta Pini and Nancy Carney, Selectmen's Rep.

Others present: Members of the public.

Call to Order: 7:05 PM

PSNH Continued Public Hearing. Silverman reported that PSNH submitted a written request to meet with the Board in a preliminary consultation to review a draft site plan application on February 3rd, the Board's next regularly scheduled meeting. Silverman read the letter and noted that a Kinder Morgan Open House will be held in Rindge that night and asked if Board members will attend. Some members may attend and Silverman moved, Blais seconded and the Board voted to cancel the February 3, 2015 meeting and hold the preliminary consultation with PSNH on February 17, 2015 at 7:30 PM.

7:00 Public hearing continued. To present Board approved final ordinance amendments for the 2015 ballot: amending the Blasting Ordinance (Chapter 110-5), amending the Livestock Ordinance (Chapter 127-8, adding revised new paragraph (f) Roosters.

Silverman read the final wording of the proposed amendments to the Blasting Ordinance.

A. The Board reviewed the following amendment, *"In no case shall any blasting be allowed to take place within any wetland so designated by the Town of Fitzwilliam Land Use Ordinances."* To be added to Chapter 110, Blasting Ordinance, Section 110-4 as new paragraph B. Silverman moved, Landy seconded and the Board approved the amendment as proposed.

The Board reviewed *Section 110-5 "Blasting for agricultural purposes, such as clearing fields, are not exempt from the permitting process, except as described in § 110-4, A above; however, the Blasting Administrator may, after a site visit to the subject location, waive certain application requirements and standards, upon a determination that the purpose and intent of this ordinance can still be met."* There was some discussion clarifying the intention of delegating authority to a blasting administrator to streamline the permitting process. They noted the blasting administrator, once appointed by the Selectmen, has, by definition, authority to administer and enforce the ordinance. The application is submitted to the Blasting Administrator who is authorized by the Ordinance to issue permits. Pini moved, Blais seconded and the Board voted to leave the proposed amendment unchanged.

The Board reviewed the last proposed amendment to the Blasting Ordinance: §110-6 Application Form. A properly executed application form *available from the Selectmen's Office* shall be submitted to and approved by the Blasting Administrator for all blasting permits, prior to commencement of any blasting or detonation. Silverman moved, Landy seconded and the Board approved the amendment as proposed.

Silverman read the final proposed rooster ordinance,

(f) Roosters. The keeping of roosters whether as part of a commercial agricultural use or a home-based agricultural use is permitted; however, in order to ensure that the right to peace and privacy of neighbors and abutters, roosters must be kept from dawn to dusk within a fully-enclosed structure.

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The Board agreed that this amendment should be brought to the warrant without any change.

Silverman noted that the initial proposed noise ordinance was withdrawn from the proposed ordinances at the last meeting.

Minutes. The Board reviewed minutes of the January 6, 2015 meeting and made several corrections. Landy moved, Blais seconded and the minutes were approved as amended.

Pini noted that other planning boards use language when approving ordinance amendments that refers to the master plan, like “these proposed changes are in accordance (or are consistent) with the Master Plan,” by citing particular relevant sections. She said the Board puts a lot of work into the master plan and this is a way of insuring town rules, regulations and ordinances achieve that vision. She added that referring to the master plan also reinforces the importance of the master plan for the public.

Suzanne Gray asked if the Board was going to discuss the pipeline proposal and if the Board as a whole was going to draft comments in response to the Kinder Morgan proposal. Silverman noted the Select Board has drafted a warrant article for town meeting. Carney said the Selectmen have already sent comments to FERC.

Other groups are trying to delay the process by petitioning to extend the filing period for the application.

Pini said that before she writes or speaks about this issue, she wants to know if the Planning Board needs to remain objective in case an application comes before it. Carney said she would get legal counsel regarding this question. She said comments made by the Select Board to FERC are raising concerns, and are not pro or con.

Gray noted that the Town of Hollis was very pro-active in their opposition. Silverman said much of what Hollis proposed in their ordinances was rights-based.

Carney reported that the Select Board will have a flyer inserted in the February newsletter to inform residents of their concerns. She also said the Town attorney feels the Town might have a better chance of being heard at the State level with the Site Evaluation Committee, rather than with the federal agency FERC.

Gray said she would compare the proposed project route to the Natural Resources Inventory, Open Space and Master Plan documents. Carney reported the Selectmen are considering a wetlands inventory that would identify Prime Wetlands in Fitzwilliam, a designation that offers more legal protection to these wetlands.

Silverman suggested discussing these again on February 17th, with each Board member writing their concerns for inclusion in a single Planning Board response. The Board raised issues of increased noise and wind, noting there are additional unknown consequences of cutting more trees for corridor expansion.

Dana Pinney an abutter to the existing power line and proposed pipeline corridors, raised the issue of the impact of pipeline construction workers camping and working in large temporary construction yards, wondering about zoning and regulation of this use. Silverman agreed these were questions everyone had.

The Board adjourned at 8:15 PM.