

DRAFT
Town of Fitzwilliam
Planning Board Meeting
September 6, 2016

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

Call to Order: 7:05 PM

7:00 PM Public hearing. Richard Whipple application for a minor subdivision of property located at 80 Howeville Road, Map 2, Lot 29-04, Rural District.

Silverman moved, Blais seconded and the Board accepted the application as complete. Carney recused herself.

Paul Grasewicz presented the case, noting that the applicant had been granted a variance by the Zoning Board of Adjustment to create a two lot subdivision with one lot that would not have the required frontage. The proposed subdivision shows the existing lot with 173.542 acres is to be subdivided. It has two houses on it. One new lot will have 250 feet of frontage and 168 acres, and the existing house (#80). The other new lot will have 162 feet of frontage with 5.542 acres and the existing house (#90) may be removed. (Amended)

Fleur De Lis has expressed interest in purchasing and developing the 5.5 acre lot; and Mr. Whipple will live in his home on the smaller lot. He will retain his rights to use the cart roads that traverse the larger lot.

Blais moved, Parker seconded and the Board approved the proposed subdivision as presented. The Board signed three copies of the plan and the Mylar to be recorded at the Cheshire County Registry of Deeds.

The Board reviewed minutes of the August 2, 2016 meeting, and approved them as written.

7:15 PM Public hearing. Bruce Vaal and Janice Ford application for a boundary line adjustment between properties Map 28, Lot 36 and Map 29, Lot 23-2, Residential District.

Carney recused herself as an abutter to the property in question.

Paul Grasewicz presented the case, noting that the plan is similar to the preliminary consultation on the proposal.

The Boundary Line Adjustment as proposed will reduce the Ford lot to 1.5+/- acres, and annex the remaining 8.5 acres to property owned by Mr. Vaal, increasing his lot to 25.1+/- acres.

The newly configured Ford lot will meet the Town required frontage and acreage in the residential district. The configuration will give Mr. Vaal access to NH Route 119, a state road. Currently the Vaal quarry trucks access NH Route 119 W via Collins Pond Road.

Mrs. Ford told the Board she had already secured a permit from the State for a residential driveway to access NH Route 119. The driveway will connect to an existing right of way. Silverman said this site is not a good place for access, especially if it will be used as a commercial access. He added that he would not support a boundary line adjustment for this purpose. Blais (Amended) said it is a 50 mph road not a 35 mph road and loaded quarry trucks coming off a new driveway onto Route 119 will create a dangerous situation. Silverman

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said loaded trucks trying to travel east up Depot Hill from a dead stop will “be a pain” for other drivers.

Silverman cited *Diversified Properties, Inc. v. Town of Hopkinton*, 125 NH 419 (1984), in which “the NH Supreme Court found that a town may legitimately consider the impact that increased traffic may have upon the safety of an existing or proposed access in determining whether or not to grant approval of a subdivision plan, and further found that the planning board was not impinging upon the state’s authority to regulate access to the state’s highways.”

Grasewicz said the line of site is 525 feet and that on a 6.7 % downgrade at 50 MPH a 490 foot line of sight is needed.

Silverman said that if a driveway goes in, we’ll find out too late to do something. Mrs. Ford said she has a lot of cars and trucks going in and out of her property now, as the residence is being renovated, and there has been no problem. Silverman noted that this kind of traffic is very different than a commercial use. Mrs. Ford said she is subdividing and putting in the driveway to reach the back of her lot.

Mr. Vaal said the State is good with the stopping distance and the line of sight. Parker asked how many trucks will use this proposed access. Mr. Vaal said they haven’t reached 25% yet, but on a busy day they could do 3-4 trucks per day, so there are not a lot of trucks on a daily basis. Parker said using Church Street would be better. Mr. Vaal said loaded trucks are heavy, and tractor trailer trucks without loads and equipment trucks will come in and out of the property as well. He noted that he appreciated Mr. Silverman’s concerns, adding that he is willing to work with the Board on this issue.

Regarding using Church Street, Mr. Vaal said he chooses not to use it because he is trying to get the heavy loads off town roads and onto State roads. In addition, he said that Collins Pond Road is one of the earliest to be posted in the spring (mud and snow).

Mr. Vaal said he had not had any complaints lately about the quarry, which is in the center of the property.

Gray asked about the proposed access, noting that Depot Hill starts just beyond the pond, so trucks pulling out loaded up will be heading up a steep hill.

Mr. Vaal suggested a turn around on the Fire Department apron. Silverman said he is better off where he is already. Silverman asked why he won’t use Collins Pond Road. Mr. Vaal said he wants to get off town roads. He added that his trucks are not as heavy as logging trucks.

Mr. Vaal said all trucks move slowly going up Depot Hill regardless of where they start. He said he has 6-8 trucks a week now.

Buonomano noted that using Collins Pond Road a truck would take a right onto Route 119 E headed to Route 12; and with the proposed access a truck would take a right onto route 119 E to reach Route 12.

Blais asked about a turn radius on the apron. Mr. Vaal said DOT will create a wider apron for trucks.

Gray asked Maureen Kennedy (amended), an abutter to the case, about traffic on Collins Pond Road and she

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said it is better to have trucks going too slow rather than too fast, adding that there needs to be police enforcement of the town speed limits.

Parker asked if this case needed any variances. The BLA will not need a variance.

Silverman asked if Mr. Vaal has plans to subdivide his property. Mr. Vaal said no, but he does want to build a home on the old Greer property he acquired early, and maybe would like to add another house near the quarry, but he has no intent to subdivide.

Gray said she is unfamiliar with the traffic patterns in the Depot area but would like to watch the traffic there to get a better idea of how the proposed access might impact it.

Silverman moved, Gray seconded and the Board voted to continue the public hearing to September 20 at 7:15 PM. The Board will observe the traffic use in that area and talk with Glen Smith at NH DOT about the impact. Gray wondered if there was a need to have the Road Agent present for the next meeting.

Mr. Ford said she and Mr. Vaal were here for a residential permit for a boundary line adjustment. Silverman said the Board have to consider the impact in the future, and that a continuance is not going to harm anyone. He noted that the driveway will become a commercial driveway. Mr. Vaal noted that the property in the proposed (Amended) BLA wraps around the commercial property, but the driveway will be used by quarry trucks.

7:30 PM Preliminary consultation. Paul Grasewicz to discuss reconfiguring footprint of an existing home located at 446 East Lake Road, Map 23, Lot 3.

Mr. Grasewicz explained the proposal. Ms. Wood wants to consolidate the existing house and bunkhouse into one structure with the same square footage, which will be located partially within the footprints of the existing buildings. He said it will make the property more conforming. He added that nothing on the lot meets front or rear setbacks.

Asked about septic plans, he said there is a holding tank now between the two existing structures. He plans to meet with the State to discuss options: a new septic system or holding tank, or an Environ effluent disposal system. There is no well on site; the property draws from the lake.

Gray noted that the front and rear setbacks cannot conform. Parker asked if it will be a seasonal use. Grasewicz said it meets full time use requirements by the State. Parker noted both Shoreland and subsurface permits will be necessary.

Silverman said the case should go to the ZBA and they can make a final decision; he added there is no need to come back to the Planning Board. Silverman moved, Parker seconded and the Board agreed the case should go to the ZBA.

7:45 PM Site Plan Review. Davini application for site plan review to open an auto body repair business in the former Mayer Molding building, located at 218 Route 12 N, Map 15, Lot 26, Light Industrial District.

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Keith Johnson represented the enterprise. He said the only thing to be done on the property is to be done to the exterior. They are cutting trees to make the property more visible from Route 12. They need a permit from EPA to disposing of hazardous waste and they have a state ID number. Carney noted that the Town has received notice that all reports regarding the underground oil tank have been received and they are good to go.

She added that there will be a fire safety inspection that will include lighted access and egress signage. Carney talked about fire extinguishers and the different types that will be required, including management of metal shavings. Silverman said the town has a dark skies ordinance and Mr. Johnson said they plan to have one light by the front door and lighting for the sign, which will be directed downward. Mr. Johnson said there will be a fenced area for towed vehicles. They plan to get a dealer's license to sell used cars. There will be room for 20 cars to be parked to the left of the building.

Blais moved, Parker seconded and the Board approved the site plan as presented, noting Mr. Johnston should see the Selectmen's Office for a Sign Permit and the Fitzwilliam Fire Department for the inspection.

The meeting was adjourned at 8:45 PM.

The Board will discuss application fees at a later date, and review the need to amend several ordinances in 2017.