

**APPROVED AS AMENDED**  
**Town of Fitzwilliam**  
**Planning Board Meeting**  
Tuesday, October 3, 2017

**Members Present:** Terry Silverman, Ross Tourigny, Suzanne Gray, Robin Peard Blais, Matt Buonomano, Paul Haynes,

**CTO:** Silverman called the meeting to order at 7:00 PM.

**Public Hearing for Casey Gibson application for a subdivision.** Silverman announced the public hearing for Gibson's subdivision application on Fullam Hill Road and moved to continue the application for the following Planning Board meeting on Tuesday, October 17 at 7 pm, at the request of the applicant so that the land owner may be present. Silverman moved, Gray seconded, and the Board agreed.

**Minutes. 7:06 PM.** Gray began by discussing how the changes made to minutes from past meetings were typically not written down in such detail and wondered if it should be continued in the same thorough manner. Silverman responded that it was similar to how the Select Board edited their minutes, and Gray responded that *the* thoroughness was useful.

Gray then pointed out Page 1, Line 43, where it referred to Davini talking about his property being "unusable when it rains," that the sentence has a small grammatical error to be addressed. Silverman suggested rephrasing the sentence to say "unusable in rain."

Buonomano pointed out Page 1, Line 28, that Davini did not say "platform" but instead said "they want to build another building." Buonomano added, on Page 4, Line 153, that he didn't remember saying that gravel "can be harmful to create" and would like to strike that out. He also pointed out on Line 179, Carol Ogilvie did not suggest a dollar amount *for* fees, and said he suggested taking out "whole" next to dollar amount. Buonomano then pointed out on Page 5, Line 219, where it says "rural and commercial," it should say "residential and commercial" instead.

Haynes added that on Page 2, Line 61, where it says "a new person", should be clarified as being "Harry Damon."

Silverman moved to accept the minutes as amended, Gray seconded followed by Buonomano, and the Board agreed unanimously.

**Fee Schedule.** The Board began discussing the most current proposed amendments to the fee schedule. Buonomano asked how much the current certified mailings for abutters cost, and the LUA responded, in total, it comes out to \$5.81. The Board began discussing moving it back to a whole dollar amount fee, and Buonomano said he was fine with moving it to \$6.

Gray inquired what on the fee schedule is still outstanding, in terms of updating the fees. Buonomano responded that the definitions should be updated, and also that he would like to find a way take the square footage and calculate the amount for the fee. Buonomano discussed how *there is a \$500 minimum for a major site plan review, and that if the square footage is calculated and comes out as less than \$500, then the applicant would still pay the minimum fee of \$500.*

Gray then asked how the square footage for utility poles should be defined, and Buonomano mentioned that it falls more outside of the fee schedule and begins to fall into ordinances. Gray wondered how complicated the definition would be if it were in the fee schedule. Buonomano described square footage as the disturbed area, which may include the powerlines and poles as disturbed area, adding that it may even want to address small area around the poles.

Tourigny brought up how the Town has its own means of accessing square footage of utilities in and perhaps the Board can mimic their assessment techniques.

Buonomano then pointed out Chapter 4, §219, in the Code Book and how it focuses on site plan and that, besides the table of fees, there are no listed definitions including those that would define major and minor site plans. In comparison, he addressed how Chapter 5, §221, there's whole section dedicated to definitions. He identified how in §221-12 there is a definition for a major and minor subdivision, but couldn't find a similar definition section for §219. Silverman added that he had recently talked to Carol Ogilvie about adding definition sections and she said it wasn't necessary. Silverman then added that he felt the Code did not need specific language. Buonomano was interested in adding a definition section for ease of using the chapter.

Buonomano made a motion to accept the fee schedule as presented, with the one change to make abutter mailing fees to a whole \$6. The motion was seconded by Silverman, and the Board agreed unanimously.

**Solar Ordinance. 7:29 PM.** Gray started by asking several questions; first that the definition of abutter in the draft was defined as “for the purpose of testifying or receiving only...” and felt the definition was confusing. Silverman responded that perhaps, in the circumstance that a person lives *in Town*, they may still have reason to testimony is they are experiencing *visual or audible impacts*. Gray then asked if the Planning Board is required to notify people who may see, for example, a solar energy system from their property. Silverman responded that no, they would not be notified; adding that he feels the statement is a part of the ordinance to allow for community members to describe how they feel impacted.

Gray added that where it defines wetlands, the ordinance should use the Town's existing definition. Buonomano pointed out Section 5 where it talks about Conditional Use Permit for any Ground Mounted Solar Energy System, the Planning Board would have to do a review for the building permit. Silverman added that he also felt that Roof-Mounted Solar Energy Systems should be by right, as opposed to going through the Planning Board. Silverman then said that the Planning Board wouldn't necessarily need to be involved if the land wasn't directly involved. Buonomano asked how the Building Permit limits height and size regulations for Roof-Mounted Solar Energy Systems. Gray added that solar panels being put on roofs in the Historic District would they have to go through the Historic District Commission, to which Silverman and

Buonomano pointed out in Section 3 that it does provide that applicants must go through the Historic District Commission. Haynes pointed out that under Section 5, a. that Roof-Mounted Solar Energy Systems plans do not need to be reviewed by the Planning Board.

Gray then wondered if Roof-Mounted systems should be separated by residential and commercial and Silverman responded that he felt it should all be by-right. Buonomano brought up how there are new solar roofing panel tiles to use now instead of shingles- potentially another facet to research for the ordinance.

Just above Section 6, in Section 5, Buonomano questioned the reasoning of where it said duration, Silverman responded that usually they are bonded. Gray added that the section is likely referring to a commercial project. Silverman said that he would like commercial solar provisions to be strengthened in the ordinance, based on the Ranger Solar Project in the past. Gray pointed out the existing, smaller provisions for commercial solar and Silverman agreed that it could use strengthening because it lacks specifics to grant power, or protect environmental resources.

Blais wondered if there had been discussion in differentiating major or minor commercial solar, and Silverman responded that there hadn't been. Blais suggested that there be a definition so as to allow provisions for a smaller business looking to utilize solar. Gray agreed with Blais that it may be beneficial to include a major and minor definition of commercial solar.

Blais discussed a nearby Ground-Mounted Solar Energy System out near Frasier Furniture on the way to Monadnock. The board suggested that the LUA research commercial solar in Vermont and Massachusetts.

Buonomano questioned including a section on the solar tax exemption in the ordinance and asked when it was voted in. Gray responded that it was voted in just a few months ago. Buonomano wondered why the tax exemption would be necessary in the ordinance, and Silverman responded that it adds clarification. Silverman added that he would like to know what the ordinance means by referring to "real property" because Fitzwilliam would not be exempting utility.

**Shoreland Protection Overlay District. 7:53.** Silverman began by noting that he would like to be stricter than the state on their regulations being that they lessened the reigns in the past years on the ordinance.

Buonomano asked if constructing a residence is still an allowed use, and with the wetland setbacks, how would the ordinance impact a person who wants to build a residence within the 250 feet of the wetland. Silverman responded that within the ordinance, people can build but the majority of cottages wouldn't be on East Lake Road. Gray then added that there has been an increased conversion of cottages were someone takes a seasonal cottage and then they add additions to it for more space or enclose an outdoor porch. Buonomano wondered if the ordinance would prohibit that conversion, and Silverman said no but that it allows for vegetative buffers protect those shoreland areas. Gray also added that it encourages for development to not strip the land which would result in excessive runoff and erosion, adding that it's intended to help reduce externalities.

Buonomano asked how it differed from the Wetland Ordinance and Blais responded that the lakes do not count as the wetland bodies. Gray then wondered if the Board would need to look at the ordinance overall, in terms of conflict with setbacks.

Blais mentioned that the Shoreland Protection Overlay District was brought up before and Silverman agreed, saying it was from back in 2010. Blais then brought up holding back on the *prime* wetland permit parcels. Silverman mentioned that it was recommended that they do about five more wetlands to go along with the existing wetlands that have been identified. Silverman noted that the town received a copy of the prime wetlands at the state level and is on the fast track to being approved. Blais wondered about getting more information on the five proposed wetlands.

Blais voiced her concerns about having both a Wetland District and Shoreland Protection Overlay District which may cause too much confusion for perspective homeowners/developers/businesses. Silverman expressed that usually by the time it reaches Town Meeting, the Town typically has a fuller understanding of the definitions and the ordinance's main goals.

Blais then mentioned AirBnBs and its impact in Fitzwilliam, considering the majority of homes usually rented are down near the water and may lead to increased use of the Town's natural resources and recreation areas. Silverman noted that the Laurel Lake Association and other entities like such could benefit from having their residents who are renting through AirBnB, to provide provisions on how to properly interact with the Town's resources.

Gray then brought up potentially venturing out for a field trip to visit a Solar Energy System, and wondered if the rest of the Board would be interested in visiting a site. Silverman responded that it may be easier once an application comes through, also noting that Ranger Solar had been focusing their development in Vermont which may be too far to visit. Buonomano discussed how Ranger Solar was bought by a larger company. Silverman agreed, noting that the new company worked on all kinds of energy, not just specializing in solar.

At 8:25 PM, Gray made a motion to adjourn, Silverman seconded, and the Board agreed unanimously.