

**TOWN OF FITZWILLIAM**  
**PLANNING BOARD**  
**AGENDA**

**TUESDAY, JUNE 5, 2018**  
**7:00 PM**

**Administration:**

Drafting of NextEra Letter

Discussion on Land Use Dept.

Planning Board Outreach Information

Prime Wetlands

Minutes from 5/15/18

## Proposed Job Description

### Land Use Administrative Assistant

*Town of Fitzwilliam*

#### Position Description:

The Town of Fitzwilliam is a unique, rural community that is home to a rich history and numerous recreational attractions, including Rhododendron State Park and Laurel Lake. Fitzwilliam is currently seeking a part-time employee who will be responsible of the administrative and planning duties for several Land Use Boards for the Town. Essential functions of the position include:

- Responsible for working with applicants for the Planning Board, Zoning Board of Adjustment, Historic District Commission, and Conservation Commission. The Land Use Assistant is tasked with scheduling meetings, posting agendas, sending out materials prior to those meetings, mailing notices, and filing related paperwork.
  - Record meeting minutes for Boards. Meetings are 2 – 4 times per month, usually in the evenings.
  - Notify Board members of changes to their schedule, new/changed information, upcoming workshops, etc.
- Communicate frequently with state entities, organizations, municipalities, the public, and Board members via phone, email, written letters, and in person.
- Assist in research and production of the Master Plan, budget, and the development or revision of policies and regulations.
- Working knowledge of local and state land use regulations and willingness to research and expand on municipal knowledge
- Provide excellent customer service skills and be able to communicate effectively orally and in writing.
- Ability to work with Microsoft Office Word and Excel.

#### Recommended Minimum Qualifications:

- High school Diploma; at least three years' experience working with the public; experience in municipal government a plus.
- Ability to organize and maintain thorough, accurate files and records.
- Ability to multi-task and prioritize projects.

#### Position Environment:

The Land Use Administrative Assistant has its own office within the historic Fitzwilliam Town Hall. The Land Use Office is a welcoming space with large windows and is equipped with most all office supplies such as a computer, filing cabinets, and printer. The Town Hall is typically a quiet work environment. The position includes:

- Part-time employment at 25 hours per week
- Pay starts at \$15.69 with opportunity for competitive pay increase
- Optional health benefits
- Ability to attend workshops and classes to improve position-related skills

#### How to Apply:

Please send a résumé and cover letter to the Fitzwilliam Planning Board either at [fitzbos@fitzwilliam-nh.gov](mailto:fitzbos@fitzwilliam-nh.gov) or mail it to P.O. Box 725, Fitzwilliam, NH 03447

**DRAFT**

**Town of Fitzwilliam  
Planning Board  
Meeting Minutes**

**May 15, 2018**

**Members Present:** Ross Tourigny, Chairman; Suzanne Gray; Terry Silverman; Robin Peard Blais, Secretary; Paul Haynes, Vice Chairman; Matt Buonomano; Charley Kenison, Selectmen's Rep

**Members Absent:** Carlotta Pini, Alternate; Robert Young, Alternate;

**Others Present:** Carol Ogilvie; Nancy Carney, Selectboard Chair

**CTO:** 7:00 PM

**Discussion with Carol Ogilvie on RSA 674:21.** 7:00 PM.  
Tourigny introduced himself and the Board to Ogilvie.

Silverman asked if Ogilvie could first give some background on the general concept of Innovative Land Use Controls. Ogilvie responded with an overview of how RSA 674:21 works and discussed how all the controls, if adopted, are permitted through a Conditional Use Permit (CUP.)

Ogilvie discussed that she noticed Fitzwilliam has similar ordinances and explained how they would change if they were under the authority of 674:21. Ogilvie explained that by permitting with a CUP, the Planning Board has the ability to act like a Zoning Board because they can waive and modify decisions on a case-by-case basis. Ogilvie added that if any decision for a CUP was challenged, it would go directly to Superior Court.

Buonomano discussed what prompted him to look into the Innovative Land Use Controls and that he is interested in researching techniques that could be a win-win situation for the Town and landowners. Buonomano explained that one technique he is interested in is Transfer of Density Rights which would allow landowners to transfer their right to build in one area to another area. Buonomano discussed that through Transfer of Density Rights, no one would lose the rights to their land and there would be no net gain or loss of lots thus allowing a "free-market" way to purchase land and guide smart growth in other areas of the Town.

Buonomano then explained that the Town's current options for land conservation are either buying property or waiting for it to be donated. Buonomano discussed that he would like to explore Innovative Land Use Controls for a way to achieve both smart growth and land conservation, adding that he felt it could be a win-win in long-term planning for the Town.

44 Buonomano discussed a past Growth Management ordinance, which was similar to an  
45 Innovative Land Use Control, which was implemented and then later repealed. Buonomano  
46 then discussed that the concept of Alternative Village Center, adding that it may be a good  
47 alternative to a "free-capitalistic" option for smart growth.  
48

49 Blais asked for clarification on how Innovative Land Use Controls works and how Transfer of  
50 Density Rights may be applied. Ogilvie discussed that if the Town were to adopt Transfer of  
51 Density Rights through an ordinance at Town Meeting, the property owner could take advantage  
52 of Transfer of Density Rights if they choose, adding that the property owner can't be forced to do  
53 anything. Ogilvie discussed that if a property owner were to want to utilize Transfer of Density  
54 Rights, those density rights would be received in a pre-determined transfer area.  
55

56 Gray noted for the Board that the Growth Management ordinance was implemented in order to  
57 reduce the number of Construction Permits allowed per year in an effort to reduce or limit fast-  
58 paced development. Gray explained that the way the ordinance worked, the amount of  
59 Construction Permits allowed per year was based on the number of Construction Permits  
60 provided the year prior. Gray continued that therefore the amount of Construction Permits each  
61 year was declining and they choose to rescind the ordinance because it was not working the way  
62 it was intended during that time period.  
63

64 Tourigny asked Ogilvie if she could share any negative impacts Towns have faced from  
65 Innovative Land Use Controls. Ogilvie discussed that she couldn't easily give many examples,  
66 explaining that though the concept is not brand new, it's also not a commonly adopted one in  
67 the State. Ogilvie discussed that the list of controls within 674:21 does not provide a good  
68 definition of the authority or process. Ogilvie reiterated that 674:21 allows the Board to use  
69 CUPs in a fashion similar the Zoning Board, where they may make subjective changes for  
70 approval on a case-by-case basis.  
71

72 Tourigny asked Ogilvie about the applicability of Transfer of Density Rights for a Town like  
73 Fitzwilliam. Ogilvie explained that she has not worked with any Town that has adopted Transfer  
74 of Density Rights. Ogilvie added that while she worked in Peterborough, they had discussed  
75 Transfer of Density Rights however it ended up being dropped because they could not meet a  
76 legislative understanding.  
77

78 Ogilvie explained that in a perfect world, the idea of Transfer of Density Rights could work and  
79 help preserve land, however it's difficult to advise on the certainty of it working being that so few  
80 Towns used it. Tourigny asked if Ogilvie knew if any towns has chosen to put the concept in their  
81 Master Plan. Ogilvie responded that Innovative Land Use Controls may certainly be found in a  
82 Master Plan, however once towns move from master planning to implementation then it often  
83 doesn't come to fruition.  
84

85 Buonomano asked when and how they would implement one of the Innovative Land Use  
86 Controls. Ogilvie responded that they would do the same way as any ordinance, by putting it  
87 forward at Town Meeting. Buonomano asked if each control would be a separate ordinance or if

88 it would be a single over-arching Innovative Land Use ordinance. Ogilvie explained that they  
89 would need to adopt those controls separately and cite the RSA 674:21 for the authority.

90  
91 Gray asked, in regards to the Open Space Plan, how the Planning Board can work to meet those  
92 goals outlined within the publications made by Boards/Commissions in town. Ogilvie discussed  
93 that there are very few options, however Natural Resource Overlays may be have some  
94 applicability. Ogilvie added that they have to be careful of the public benefit related to the  
95 controls, and that the Board should be mindful of how much limit and protect.

96  
97 Ogilvie discussed some case examples with the Board, and noted that preserving a 30 acre lot  
98 doesn't necessarily always equate to a benefit for a town. Buonomano discussed that he is trying  
99 to explore a win-win free-market way of no one losing property rights while also achieving  
100 conservation, asking if there is a possibility to do so through any of the Innovative Land Use  
101 Controls. Ogilvie responded that one way to encourage smart growth is to choose a pre-  
102 determined location in Town and encourage people to build in that area. Ogilvie discussed that  
103 in her experience, people looking to subdivide land are typically looking in the Rural Districts  
104 because that's typically where lots are large enough to subdivide and still meet dimensional  
105 regulations.

106  
107 Ogilvie discussed that most small towns aren't able to accommodate small subdivisions unless  
108 they are using a town sewer system. Ogilvie explained a case example, and added that  
109 Peterborough had accomplished small subdivisions through it through an Infill ordinance. Gray  
110 asked if a developer could do a community-scale septic system, would those smaller  
111 subdivisions be feasible. Ogilvie responded yes, adding that most developers prefer to go  
112 through an Infill Development ordinance.

113  
114 Tourigny asked what drove that initiative in Peterborough and Ogilvie discussed that they were  
115 noticing that people were moving out to the rural district to subdivide and that they  
116 implemented Infill Development in order to help people subdivide in different areas. Ogilvie,  
117 noted that most techniques from 674:21 for land conservation won't really solve the issue  
118 because they'll create sporadic lot sizes, fragmented wildlife corridors, and other impacts.

119  
120 Blais asked if there were prime wetlands in Peterborough or Gilsum and Ogilvie responded no.  
121 Buonomano asked if Ogilvie was familiar with Impact Fees and Ogilvie responded that she had  
122 worked with them. Buonomano discussed that there is a large-scale project proposed for  
123 Fitzwilliam and he is curious about how they may apply an Impact Fee to it.

124  
125 Ogilvie responded that the Board wouldn't be able to pick and choose what they apply an Impact  
126 Fee to, adding that it would be applied to every Construction Permit given. Ogilvie discussed  
127 that in the 80s when development was booming without much zoning laws, Towns began  
128 implementing Impact Fees however most soon realized that they weren't receiving enough from  
129 the impact fees to make it worth-while, considering Town's had to either use the money in a set  
130 time period or give it back with interest.

131

132 Ogilvie discussed the concept of Site Plan Review impact fees, explaining that the Board could  
133 ask for a fee, for instance, based on the percentage of damage to the road. Ogilvie added that an  
134 analysis would need to be conducted to figure out the project proponent's share and the Town's  
135 share. Ogilvie clarified for Buonomano that Site Plan Review fees did not need to be  
136 implemented via an ordinance at Town Meeting. The Board discussed that it would be very  
137 difficult to fully educate and gain support of everyone in Town on Innovative Land Use Control  
138 techniques such as Transfer of Development Rights.  
139

140 Buonomano asked if Ogilvie knew much about the Peterborough Municipal Solar project.  
141 Ogilvie responded that she knew a bit and discussed that it was an initiative lead by the Town  
142 Administrator after the Selectmen and that it was sited where a closed wastewater treatment site  
143 had been. Buonomano asked how many acres it covered and Ogilvie responded it was maybe 10  
144 or 12 acres, but completely screened. Buonomano asked if there were any problems that came  
145 up that were unexpected, such as grass or vegetation that grew up over the panels. Ogilvie  
146 responded that she couldn't think of any issues and added that they use grazing animals to  
147 control vegetation. Tourigny asked if the site had broken even yet and Ogilvie responded she  
148 believed it had.  
149

150 Tourigny asked if there was any further questions or discussion, there was none.  
151  
152

153 **LUA Position/Office. 7:49 PM.**

154 Tourigny discussed that the Land Use Assistant (LUA) is resigning from her position and her  
155 last day would be Friday, June 1, 2018, with the exception of attending Board meetings in June.  
156

157 Gray asked the LUA review the job description used to advertise for the position previously and  
158 to make sure it matches up to what was is required of the position.  
159

160 Tourigny discussed that he would like to have the LUA involved in the interviewing and  
161 selection process of a new staff member. Silverman discussed that they had difficulty finding  
162 someone to fill the position before and added that the Board would need to talk with the  
163 Selectmen to put out an ad for the job.  
164

165 Kenison discussed meeting with the Selectmen and asked Tourigny to attend their next meeting  
166 to go over the matter.  
167  
168

169 **Planning Board Goals / Objectives. 7:55 PM.**

170 Blais discussed she would really like to work towards Prime Wetlands, considering they took a  
171 year off. Blais explained that they already have the studies and a general idea of what wetlands  
172 they'd be designating. Blais added that she liked to ask the Selectmen if they can appoint Susan  
173 Silverman as a member-at-large, considering she is so knowledgeable of wetlands.  
174

175 Gray discussed that she would like to talk about the Shoreland Impact Analysis on the agenda  
176 before agreeing to move ahead with a Shoreland Ordinance. Gray added that perhaps the Board  
should agree and vote on what things should be prioritized; the Board agreed.

177  
178  
179  
180  
181  
182  
183  
184  
185  
186  
187  
188  
189  
190  
191  
192  
193  
194  
195  
196  
197  
198  
199  
200  
201  
202  
203  
204  
205  
206  
207  
208  
209  
210  
211  
212  
213  
214  
215  
216  
217  
218  
219  
220  
221

Haynes discussed that he also felt that Prime Wetlands should move forward, considering they've paid for the study and should follow through on their goal of completing it. Buonomano added that he would also like to see the Prime Wetlands brought to conclusion. Silverman added that he would like to see the Prime Wetlands go through because the wetlands in Fitzwilliam are so unique.

Buonomano discussed the confusion between the definition of wetlands and shorelands and added that he felt that Shoreland was also high priority.

Gray made a motion to request that the Board of Selectmen form a subcommittee dedicated to the Prime Wetlands, Silverman seconded, and the Board agreed unanimously.

**Shoreland Protection Overlay District. 8:09 PM.**

Silverman first noted that he would like to see a Shoreland Ordinance that mirrors the State's, adding that he doesn't feel there should be a second application process with a fee. Silverman suggested that when an application is submitted to the State, which would also require notification of abutters, that it also be submitted in the Town for review. Silverman explained that if an applicant violated the conditions of their approval, then the State would get involved.

Tourigny suggested that the permit they provide applicants when approved include those regulations that the Town is seeking so as to ensure they are met. Silverman discussed that the Shoreland ordinance was pretty much already written out and shouldn't involve a substantial amount of work to finalize.

Gray discussed that she felt with a Shoreland ordinance, the Board would need to increase their outreach and education in Town. Blais discussed some key stakeholders that the Board could reach out to help educate them on the intent of the ordinance. Buonomano noted that reviewing a Shoreland ordinance was of high importance in the 2012 Master Plan. Silverman discussed that a Shoreland ordinance may also provide the Board with additional 'teeth' when it comes to seasonal to year-round conversion of homes and septic.

Tourigny made a motion for the Board to further explore a Shoreland Protection ordinance, Haynes seconded, and the Board agreed unanimously.

Gray made a motion to discuss Planning Board Outreach at the next meeting, Buonomano seconded, and the Board agreed unanimously.

222 **Solar Update. 8:28 PM.**

223 Tourigny discussed the summary of the discussion with Trumbauer, explaining that he's  
224 concerned of the company's long-term goals. Tourigny discussed the PILOT agreement with the  
225 Board and questioned if the Town could negotiate for the company to help pay for the Town Hall  
226 renovations or other infrastructure.

227

228 Silverman responded that negotiating for benefits such as that would be outside the monetary  
229 negotiation intended of a PILOT. Silverman discussed that the Selectmen would need to find an  
230 attorney, well-versed in negotiating PILOTs, to figure out what the net-benefits may be and how  
231 they can negotiate.

232

233 Tourigny discussed that he sees the proposed project later morphing into other projects and  
234 potentially leading to other utility projects down the road. Tourigny and Silverman discussed the  
235 legality of what can be negotiated in a PILOT agreement and Silverman responded perhaps they  
236 could negotiate the proposed solar energy generation plant powering the street lights which cost  
237 the Town \$15,000/yr.

238

239 Tourigny and Silverman discussed that the Town has the ability to petition the state to  
240 deliberate on the proposed project on a town-level and then hand it over to the state through a  
241 memorandum of understanding between the Town and the applicant.

242

243 Gray discussed that she had posted about the informational meetings on the community  
244 Facebook page and also made an event notice for it.

245

246

247 **Minutes of May 1, 2018. 8:58 PM.**

248

249 Buonomano discussed Line 27 to clarify that its "page 3 of the draft of the scenic road  
250 ordinance."

251

252 Blais moved to accept the minutes as amended, Silverman seconded, the Board agreed  
253 unanimously.

254

255

256

257

258

259

260

261

262 Tourigny made a motion to adjourn, Silverman seconded, and the Board agreed unanimously to  
263 adjourn at 9:08 PM.