

**Town of Fitzwilliam  
Planning Board  
Meeting Minutes  
January 8, 2019**

**Member's Present:** Suzanne Gray, Chairman; Ross Tourigny; Matt Buonomano; Terry Silverman; Robin Peard Blais, Secretary; Paul Haynes, Vice Chair; Alternates Karen Craig and Barbara Young; Dan Baker for Charley Kenison, Selectman's Rep.

**Member's Not Present:** Charley Kenison, Selectman's Rep

**Others Present:** Benny Warnke, Applicant; Robin Crowe, applicant; George Wright, interested party; Heather Peterson, Realtor for the Owners; and Laurie Hayward, Land Use Administrative Assistant (LUA).

**Call to Order:** The Chair Called the meeting to order at 7:02 PM.

**Preliminary Consultation:** The Chair opened the consultation with Benny Warnke regarding the property shown on Fitzwilliam Tax maps as Tax Map and Lot Number (TML) 12-39.

- Warnke explained that he has a property that was sub-divided into three lots some time ago and he is looking for a boundary adjustment that would allow him to create an easement from the back lot to Fullam Hill Road.
- The Chair asked if Warnke was hoping to build on the property. Warnke explained that he wants to build on the back lot and hopes to be able to do an easement to provide the necessary road access which would create a buildable lot.
- Although shown as a single lot on tax maps, the Chair explained that the plat Warnke provided shows a 1976 minor subdivision with three lots, one of which does not have road frontage. She further stated that the LUA confirmed with Cheshire County Registry of deeds that the subdivision was formally registered with the registry in 1976.
- Fitzwilliam zoning did not come into being until 1989; therefore, the subdivision is "grandfathered". There was discussion regarding whether that has implications for allowing a dwelling to be placed on the land-locked back lot. Silverman explained that under current zoning, the subdivision would not have created three building lots. Under current zoning there must be 300 feet of street frontage for each lot. Buonomano spoke about his own experience with back lots with no road frontage. Buonomano noted that it is not unusual in Fitzwilliam to find old subdivisions or single lots that do not have frontage on streets and are not buildable.

- The Chair asked Silverman if he sees a way to have a hammerhead lot work. Members reviewed Zoning Ordinance Section 127-19. D regarding Hammerhead lots including the language specific to grandfathered lots which states: “1) Any minor subdivision approved after November 1, 1989 may not be further subdivided using a hammerhead lot. Any major subdivision approved after March 13, 2007 may not include a hammerhead lot. In all districts, the Planning Board, in its sole discretion, when exercising its subdivision regulation authority on all other lots of record, may permit the creation of not more than one (1) hammerhead lot per subdivision”
- A review of the plat provided and some calculations regarding the street frontage on the front lots suggested that there might be a way to give access to the back lot, with roughly 300 feet of frontage for the two front lots and 50 feet of frontage to create a hammerhead lot.
- Agreed that Warnke should go to ZBA first and then if OK to go forward, return to PB.

At this point Warnke left the meeting.

**Old Business: 7:00 PM. The Chair took up the draft language for the Crowe Decision to Conditionally Approve the Site Plan Review.**

- The Chair took up the draft language prepared for the Notice of Decision. The Chair called for comments on the proposed notice language. Silverman spoke to Crowe stating that she should know that Planning Board approval does not obligate her to buy the property.
- The Chair asked for discussion regarding the draft language that the LUA had sent out to members. There was none. **The Chair moved to approve the Notice of Decision on the Crowe Site Plan Review; Tourigny seconded the motion, all other members voted in favor with Silverman abstaining.** The LUA explained to Robin Crowe that the Notice will first go to the Cheshire County Registry of Deeds when the registered document is received back in the Land Use Department, she will send Crowe a copy of the registered document.

At this point Crowe, Wright, and Peterson left the meeting.

The Chair reminded Members that the Conservation Commission and the Select Board are meeting with the Wetland’s Scientist, Rick Van de Poll at the Conservation Commission Meeting on Monday, January 14, 2019 at 7:15 PM and members of the Planning Board are invited.

**Minutes:** Meeting of December 18, 2018. The Chair called for discussions. There were none. **Blais moved and Buonomano seconded a motion that the minutes be approved as written. The vote was taken with Baker abstaining to approve as amended.**

**New Business:** The Chair opened a discussion about the Spicer ZBA application that was submitted incomplete to the Zoning Board of Adjustment and involves a property on Laurel Lake that is in the Wetlands Overlay Protection District.

*Approved as Amended January 15, 2019*

- There was discussion about the history and issues. The discussion included that there was a preliminary consultation about the same property in 2015/2016 and that there were DES conditions place on further development to the property at that time.
- The Members asked the LUA to write a letter to the Owner/Applicant asking that the owner or owner's agent appear before the Planning Board and Conservation Commission at the February 5, 2019 meeting to discuss their proposal.

**The Chair moved the Board go into a non-public session regarding legal advice; Haynes seconded and it was voted unanimously at 7:47 PM. It was moved seconded and voted unanimously to return to the regular meeting at 8:05 PM.**

**Correspondence/Announcements:** The next meeting will include the Chinook Solar presentation.

**There being no additional business to conduct, the meeting was adjourned at 8:10 PM. The next meeting is scheduled for January 15, 2019.**

Respectfully Submitted,

Laurie Hayward  
Land Use Administrative Assistant