

**Town of Fitzwilliam  
Planning Board  
Meeting Minutes  
May 21, 2019**

**Member's Present:** Suzanne Gray, Chairman; Terry Silverman, Vice Chairman; Robin Peard Blais, Secretary; Paul Haynes, Karen Craig, Barbara Young, Members; and Charley Kenison, Selectman's Rep.

**Members Absent:** Mike Methe, Alternate.

**Others Present:** Paul Grasewicz, for the Francis and Casey Gibson; Betty Chase, abutter to the Gibsons; Rolf Briggs and Barbara Briggs, Applicants; Katie Sutherland, Architect and David Bergeron, Land Use Planner, presenting for the Briggs; Dorothy Zugg, lives in the Briggs' neighborhood; and Dana Pinney, interested party.

**Call to Order:** 7:04

**Public Hearing: Planning Board Case 19-04, Casey and Francis Gibson application.**

**Gray opened the Public Hearing on the Gibson minor, two-lot subdivision,** by reading the notice:

"You are hereby notified that the Planning Board will hold the following public hearing in the Town Hall at 13 Templeton Turnpike in Fitzwilliam, NH on Tuesday, May 21, 2019 at 7:00 PM. **Planning Board Case 19-04, Casey and Francis Gibson application** for a minor two-lot subdivision off Fullam Hill Road Map 8, Lot 26-4, in the Rural District."

Gray then took up the question whether the Board Members were satisfied that the application is complete. **Gray moved that the application be accepted as complete. Blais seconded the motion and it was unanimously voted to accept the Gibson application as complete.**

**Gray then opened the Public Hearing on the Gibson minor, two-lot subdivision.**

Paul Grasewicz, speaking for the Gibson's, explained that after the preliminary consultation, they made some changes. They decided to only create one new lot, Tax Map and Lot # 8-26.6, in the northeast corner rather than the two they originally proposed. Grasewicz explained that there was a concern about frontage with the original plan so they opted to do just the one lot and leave it more open for future development. Grasewicz stated that the current design meets all zoning requirements and they did soil tests in the approximate area of the likely house and with Perc test rates of 14 minutes per inch which is fine. Grasewicz noted that there is a nice straight stretch of road frontage and that the entrance used for the logging on the property will likely be used as the driveway cut. Grasewicz told members that there is plenty of room for the well and well lot radius. Gray asked about the wet area shown on the plat. Grasewicz said that the land slopes down on the north side of the lot and there is an indentation that stays wet but there is plenty of area that is not wet on which to site a house. Gray asked where the house would be sighted. Grasewicz stated that the house would sit in the middle of the front portion of the lot. Gray noted that a stone wall was used as one boundary line and that approach is appreciated.

Gray asked if there was any input from abutters. Betty Chase spoke briefly. She asked what the future plan is for the lot. Grasewicz explained that Mr. Gibson is selling it to a friend of his who will have a house built on it. There was a question regarding the remaining large undeveloped lot. Grasewicz said that there is only frontage for the remaining lot and then that is it.

**Blais moved to accept the Casey two-lot subdivision as proposed and shown on the plat provided; Craig seconded and it was approved unanimously.**

**This ended the Public Hearing on the Gibson minor, two-lot subdivision. Grasewicz and Chase left at this point.**

**Preliminary Consultation: Gray opened the Preliminary Consultation, explaining:** that this is a Preliminary consultation regarding the Rolf and Barbara Briggs property at 46 Rantilla Lane, Map 38, Lot 9, and a proposed addition to an existing dwelling within the Wetlands Protection Overlay District, on Rockwood Pond. Barbara Briggs spoke about the plans for remodeling the house and completely changing the landscape of the property which is on Rantilla Lane, which runs parallel to Sunset Avenue.

Mrs. Briggs explained that she and her husband purchased the property in 2017 and that they both have a background in natural resources management. She described the team that they put together to help them with their project and introduced Katie Sutherland, their architect, and David Bergeron, a land use planner. Mrs. Briggs used a power point presentation to show photos and graphic representations to explain the plans for the property. She noted the slope from the north portion of the lot and down to the water. She showed photos of some of the erosion that the heavy stormwater flows have caused. She explained that the access to the house is uneven and inadequate for her handicapped parents. She said that they are investigating solar and geothermal to provide green energy. She said that Carl Hagstrom has sketched out a new septic system for the property. They showed a proposed stormwater management system which will include infiltration trenches to bring water to recharge areas. The roof will be readjusted to deliver water to the recharge areas. She noted that there is an old quarry and explained that they will direct overflow water to that area. They plan to revegetate areas that have been stripped of vegetation with native plants.

Dave Bergeron showed a different graphic representation and pointed out problem areas where they plan to control the stormwater and direct it to appropriate features like infiltration trenches and retention basins. They are planning multiple approaches to mitigating the water issue on the property. Steps like adding vegetation and removing sand will help. Bergeron pointed out that they will be working in the wetland buffers; but they will use appropriate mitigation practices and they will leave the property much better than they found it. It was pointed out that they have an old cess pool and they do not have a functional septic system. They are working on the septic plan. Young asked about neighbors. Zugg spoke up in support of the plans that the Briggs have. Zugg lives just three houses up. Rolf noted that they are working with a neighbor to deal with a common problem with the driveway. Katie Southerland stepped forward and showed the plan explaining that they will reduce the total footprint by 300 square feet. They will change the gable roof to a shed roof that slopes back to a retention area. They do propose adding a 3-bay garage, but that will be outside the 75-foot buffer line. There is a concrete slab patio in the rear of the house – it is currently impervious surface. They are using that area for the expansion of the house. Current square footage of the house is 1,105 and with the concrete deck at 995 square the current impermeable surface that will be incorporated into the proposed

house is about 2,000 square feet. When they are done the proposed house will be about 1735 square feet. Mrs. Briggs pointed out that they are trying to be as minimally invasive as possible.

Silverman asked what the increased height is will be in the proposed remodel. Mrs. Briggs said that she guesses it will be about 6 feet; she stated that she will get that number for the Board. Young asked about how to prevent problems for Rockwood Pond water during construction. Bergeron spoke about management practices for erosion control. Bergeron pointed out that the Briggs are planning to do far more than is usual in New Hampshire. Craig pointed out that the Board really appreciates the approach. Craig thanked the Briggs for the care that they put into the presentation. Young asked if they are thinking of using the property year-round at some point. Mrs. Briggs said that is not in the plan at this point. At this point they see it as a retreat only. Bergeron asked for the next steps that they should take to obtain approval for a Construction Permit. Bergeron stated that they are already applying to the state for a Shoreland Permit. Gray said that they would want a Site Plan Review. She also explained that the Board might want to do a Site Walk and the Applicants would need to meet with the Conservation Commission. The LUA added that the Briggs should probably go to the Conservation Commission first. The Conservation Commission would then provide their input which is part of the application for a Conditional Use Permit. If there are no dimensional issues, they might not need to go to the Zoning Board of Adjustment. However, if, for example, it is found that the remodeled house would be less than the 20-foot side setback from a neighbor's property line, then they would need to apply to the Zoning Board of Adjustment for that as well. Silverman explained that they can apply to the town land use boards concurrent to applying to New Hampshire Department of Environmental Services for Shoreland permits.

**This ended the preliminary consultation and Mr. and Mrs. Briggs, Sutherland, Bergeron and Zugg left the meeting.**

**Rules of Procedure:** Gray took up the Rules of Procedure. Young noted that under "Files and Records", the second line is a duplicate. The LUA stated that, if it is exactly the same as the line above; then it is a non-substantive typing error and it should simply be corrected, the line removed and the Rules of Procedure with the line removed sent out to members.

**Changes to the land use process.** Silverman asked if the Land Use process is changed by the new language. The LUA stated that documentation on Land Use applications and decisions is now kept in the land use office as the state statutes direct be done where there is a locked office. Silverman asked about the property files. The LUA stated that the process is to place minutes and notice of decision in the property file. Silverman asked what happens with the Construction Permit. The LUA stated that she makes sure that the Town Administrator knows about the decision right away. Silverman asked how anyone knows that there are conditions on an approval. The LUA stated that the conditions are in the minutes and on the Notice of Decision and that goes into the property file. The LUA added that if she is holding the Construction Permit paperwork, then she lets Debbie know that there are conditions and what they are.

**Process for Construction Permits.** Silverman asked about the communications between the Land Use Office and the Town Administration office. The LUA explained that very recently she had a conversation with the Town Administrator regarding how they can develop processes to improve work flow. The LUA stated that a part of the conversation involved issues with the way the Ordinances are written and the impact different understandings have on process. After the conversations the LUA now understands why the Town Administrator views the Ordinance differently than the Planning Board Members may. The LUA explained that she has worked on fixes in the Wetlands Protection Overlay

District Ordinance that would make the language much clearer and resolve some of the questions that came out of those conversations. The changed language was handed out. The LUA also told members that she feels that with Town Administrator help, there is a much better process in place now. There was a discussion about past construction that has been done in sensitive wetland areas. The LUA stated that she has done some research and found that the process has been inconsistent over many years and that she hopes that work on improving the process will make things much more consistent. Craig suggested that a Flow Chart showing the process for applications involving wetlands on decisions and how they get to the Board of Selectmen would be useful. Gray agreed and the LUA said she would do that.

Craig pointed out that they had agreed to handle the Minutes after Public Hearings and she wondered why they didn't do that before taking up Rules of Procedures.

**Minutes: Gray opened a vote on the Minutes of the meeting on May 7, 2019.** Members discussed a couple of changes. **Gray moved to approve the minutes as amended; Haynes seconded and it was voted unanimously to approve the minutes as amended.**

**Old Business: Chinook.** Gray stated that she does not believe that there is a new date for the NextEra town presentation. Gray also told members a bit about the reporter from the Keene Sentinel who interviewed her about the Chinook Solar Project. Silverman asked if there was anything new on the NextEra MOU. Kenison told members that the town now has an agreement with Chinook Solar regarding reimbursement of the town's attorney's fees and other consultant fees. Craig asked for more detail. Gray explained that there had been some back-and-forth getting the agreement worded the way that the Board of Selectmen wanted and the final language has now been signed.

**Extreme Auto:** Young pointed out that Extreme Auto should continue to appear on the Agenda. The LUA said she would put it back on the agenda.

**Work Session: Draft Shoreland and Draft Wetland Protection Overlay District.** Regarding drafting a new ordinance for a Shoreland Protection Overlay District, Gray asked members why they wanted to look at the law regarding shoreland protection from 1991, when the statute has been revised at least several times since then. Silverman explained that he believes that the original 1991 language was much stronger than the recent versions. He said that he feels the lobbyists have weakened the language. Gray suggested taking a current version and looking at ways to update it with stricter language where that makes sense, avoiding having to fix the old language to reflect current statutes first and then to determine what language we want. Silverman suggests that lake association language be reviewed and asked that the LUA check out Squam Lake.

Gray explained that the Planning Board has a lot going on in Wetlands (WPOD) at this point. There are multiple cases that involve activities in the Wetlands Protection Overlay District so it makes sense to look at that language now. The LUA stated that she has copies of some recommended changes that arise as a consequence of the process of reviewing incoming questions and applications. She has provided copies of the WPOD ordinance language showing changes that members might consider. Gray suggested members should take the recommended language home and review it and consider improvements to include in a revision. Craig asked whether the suggested language is state language. The LUA said that it is not. The LUA stated that she was asked to give them the most recent Fitzwilliam draft language and that is not the most recent state language.

Blais gave a bit of history suggesting that changes in the Land Use Office over the years have resulted in confusion and the loss of the communication lines that once existed. Gray asked the LUA how she decided which language to revise and show on the handout. The LUA explained that she chose language that she feels is the source of some of the most frequent confusions over what is or is not permitted and what entity does what. The LUA gave an example. The ordinance includes definitions for “wetland” and for “wetland buffer”; but does not speak to wetland buffers anywhere which leaves any issue about construction in a wetland buffer vastly confusing regarding what conditions require what land use body to act. It was agreed that member would take the suggested revisions home for consideration at a later meeting.

Craig stated that she doesn’t want the board members to forget the need to bring the ordinances in line with RSA’s. Young reminded everyone that the LUA is supposed to provide a list of RSA’s that need to be revised. The LUA explained that she is forced to prioritize her work to handle what is a must do now. Gray stated that Shoreland is not the most important item on a list of ordinances. Young asked that we keep these asks in an organized list. Blais suggested that we not use Southwest Regional Planning Board. Craig reiterated that her top priority is that they get the ordinances in line with state law and she feels a Master List is crucial. The LUA asked members if it would help if she got everyone a notebook and had them keep the most recent revision versions in the notebook with the idea that at the end of summer they would have the revisions ready for winter hearings and town meeting. Members said that they did not want that.

Silverman made an argument against being so concerned about revising the ordinance. Craig made the point that it is important that the Planning Board know where the ordinance is not in line with state statutes. Silverman reminded members regarding legislation that may hinder a town land use board’s ability to make decisions and asked that someone keep track of that legislation. The LUA said that she will track it.

**There being no additional business to conduct, Blais moved; Gray seconded and it was unanimously voted to adjourn at 9:00 PM.** The next meeting is scheduled for June 4, 2019 and will include two Public Hearings.

Respectfully Submitted,

Laurie Hayward  
Land Use Administrative Assistant