

**Town of Fitzwilliam  
Planning Board  
Meeting Minutes  
July 16, 2019**

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

**Members Absent:** Charley Kenison, Selectman's Rep.

**Others Present:** Michael Davini of Xtreme Auto; Katie LaCoille, Applicant, and Clare Rose, owner of the Covey House; David Benson, Kevin Woolley, and Dana Pinney, interested parties; and Laurie Hayward, Land Use Administrative Assistant (LUA).

**CTO: at 7:00 PM**

**Old Business- 7:00: Xtreme Auto – Discussion with Michael Davini.** Gray opened the discussion asking Michael Davini to update the Planning Board on the current situation with the Xtreme Auto property. **Xtreme Auto status and efforts to improve the property and future plans** - Davini told Members that on the right of the building they have not done anything. It is wet. They did do some clean up, pulling some old items out of the wet area. Davini stated that to the left there is also a wet area. Davini described the financial impact of some of their efforts. They spent \$6,000 to mitigate the water issue. They put in a stone wall and they do park their cars near the stone wall. Their intention is to finish the stone wall. The planned 50-x-80-foot pad didn't happen. There are two large rocks that they do want to break up to provide more room for cars. They also do have three piles of loam. Two of the loam piles will be removed and one kept to spread and plant with grass. Gray asked about the fencing that Davini had mentioned previously. Davini spoke about the importance of having an impound area when you are doing tow work for a town. He said that when they were told they would not get any tows from Fitzwilliam, it no longer made sense to invest in the fence. Gray gave a list of concerns: the soil removal, the fencing, and the pile of rocks. Blais asked if there are any plans to plant trees. Davini said he doesn't know how they could plant trees because there is so much granite on the site. His concern now is that there may not be enough space to expand, citing the challenges of water in the back portion of the property and big rocks on the side.

**Xtreme Auto Ownership and the business plan** - Davini told Members that Xtreme Auto is his wife's business not his. His wife, Michele, could not be at the meeting due to medical issues. Davini stated that his original business plan was based on the expectation that Fitzwilliam would give them towing business. His business plan included tows from Fitzwilliam and it didn't happen. He added that they are now seeing improved conditions and have hired two people in past few months. So they are

expanding and are even questioning how to expand the property to accommodate growth. Gray reminded Davini that they cannot construct another building without coming to the Planning Board.

Davini reiterated that they want a good relationship with the town. Gray spoke for a good experience with them in a car repair situation. Davini says they are trying to keep things local and build relationships. Young thanked Davini for coming in to speak with them.

Davini left the meeting.

**Preliminary Consultation-** Gray opened the first Preliminary Consultation reading:

**7:15: “Katie LaCoille – Site Plan Review**, new business, retail children’s consignment shop in the basement of the Covey House, Tax Map 32, Lot 38, in the Residential/Village Ctr. Business.”

Gray asked Katie LaCoille to describe her business plans. LaCoille said that she will not change the site much from what has been done by previous businesses. LaCoille explained that she plans to be open Tuesday through Saturday and her retail business hours will be 10:00 AM to 5:00 PM. She does not expect to have high traffic or a need for more parking than previous businesses. Clare Rose Howard, the owner of the property was at the meeting. Gray asked Howard how long it had been since there was a business in that location. Howard said it has been about 1 ½ years. Howard said that they plan to share the facilities. She doubts that there will be any parking problems. Howard said she could argue that this is not a real change of use as there has frequently been a retail presence in that space.

Silverman stated that a retail business is a permitted use at that location. **Silverman moved; Blais seconded and it was approved unanimously that the Applicant is not required to submit an Application for Site Plan Review.** The Board wished LaCoille success in her new venture.

There was a second Preliminary Consultation on the agenda. The Board members waited for a few minutes and then determined that the applicant might not show up and moved on with the agenda.

**Minutes:** Gray took up the Minutes of June 4, 2019 which had been previously approved with amendments. Gray explained that the revision is to the Fitzwilliam LLC statement regarding truck loading times should not have been revised. The LUA explained that she contacted Michael Rossi regarding his statement and he confirmed that trucks load in the PM. **Gray moved and Haynes seconded a motion that the minutes be corrected to as originally loading in the evening and leaving in the morning as originally written not as amended. The motion was voted unanimously.**

**Gray took up the Minutes of June 18, 2019.** Gray questioned whether Baker was at the meeting of June 18. It was agreed that the minutes should not include Baker as present. **Gray moved to accept with correction. There was a brief discussion and no other amendments were offered. Blais seconded and it was approved as amended.**

**Gray took up the Minutes of June 24, 2019.** Gray explained that this was the working session that was called to plan for the Public Information Session that the Planning Board had agreed to hold on July 8<sup>th</sup>. It was pointed out that Robyn Bates was at that session. Craig stated that she wanted the Minutes to clearly state that this was a working session. Members agreed with that. **After some discussion whether a work session requires minutes, the Minutes of June 24<sup>th</sup> were tabled by unanimous vote.**

**Discussion about pros and cons of an Energy Production Tax.** David Benson asked to speak. He explained that he is from Minnesota but has long-time connections to Fitzwilliam and is now visiting family. He has been involved with farming in Minnesota and was there when there was a huge interest in wind energy. He was involved in deciding what would be of most benefit to host communities. He was part of a task force which worked together and with legislators. It took five years to get an Energy Production Tax. When it passed it gave the host community a small amount in tax based on Kilowatt hours (KWH). Benson explained that they would up get over 1,000 KWH from wind mills. Benson says he doesn't know as much about solar as he does about wind; but he thinks that some elements are similar. He mentioned that closeness to transmission plays a big part in the choice of site. He gave as an important benefit of the Energy Production Tax they devised in Minnesota that the town would know the amount of income and the timing of payments. In his Minnesota example, they have income that is received monthly. Benson suggested that Fitzwilliam band together with other towns to try to get better results in terms of benefit and/or pay back.

Gray asked Benson whether his group thought about other means of getting reimbursed. He says they felt this was simple, fair, and not controversial. Silverman stated that he doesn't think that this approach has worked well when tried on the east coast. Silverman thinks the Payment in Lieu of Taxes (PILOT) is a better approach. There was a brief discussion about the issues that have come up in connection with depreciation. It seems the PILOT approach avoids the issues with depreciation.

**Robin Crowe request that the Board give final approval to allow her to open her business in early August.** Gray spoke about Robin Crowe's visits to the Land Use Office. Crowe hopes to open her business August 1st. Gray pointed out that the Board would not be meeting again until after August first. Gray reminded members that there was a Conditional Approval with a list of items and work that needed to be completed and then inspected. The LUA confirmed that DES had approved the new septic system for use – so that item is complete. Blais noted that the town does now have a Code Enforcement Officer. Gray stated that she feels the process is for the Planning Board to have the LUA provide the Board of Selectmen with the list of Conditions and then the Board of Selectmen would direct the Code Enforcement Officer to do the inspection. Silverman stated that the septic is for the two-bedroom trailer. Silverman further asked about the business septic and, what does it mean if the septic doesn't cover the business. There was a brief discussion about the need to understand what the septic designed provides what it means for the business. The LUA stated that she has given Debbie the Notice of Decision with all of the Conditions listed. The LUA offered to give the Town Administrator the inspection report that is the basis for the conditions as well. Silverman suggested the LUA email both NOD and Inspection Report to the Town Administrator so that the Code Enforcement Officer could have

it. Blais questioned the process. Baker explained that an inspection provides the closure of the Building Permit process and ends with an Occupancy Permit.

**Invitation to Pam Monroe, Administrator for New Hampshire Site Evaluation Committee.** Gray asked how the Board feels about having Pam Monroe come in August. There was a question whether they should wait until after the Next Era Public Information session this Thursday, July 18th. Young suggested that they plan to have her come in on August 20<sup>th</sup>. Silverman suggested they wait until next meeting. It was agreed to wait.

**Letter to Eversource regarding plantings around the substation.** Gray asked if the letter regarding substation plantings that was proposed in the last meeting was sent to Eversource. The LUA stated that she had not yet received the photos that would show the dead or diseased plantings. Dana Pinney explained that he has not yet sent the photos. Pinney said that he would take photos and get them to the LUA.

**Chinook Solar and determining what experts to hire.** Gray suggested that members divide the reports and become familiar with one or two. Gray explained they will likely want to have a work session to determine what specialists they want to hire to protect the town's interest. Blais questioned whether to look at the reports at this point. Gray provided an example of the benefit of her suggestion. She said that they might have someone review the long-eared bat report and that person might discover that there was nothing of concern in that report and the Board agree that they do not need to hire a specialist on bats. Woolley suggested that they check with the Conservation Commission to see if they would like to review certain reports.

Baker asked about working backwards. Baker hopes they will determine what experts they can identify now or soon. Silverman expressed his concern that the members would not be effective at reading the reports and the specialists could do that better. There ensued a discussion about specialists that could be hired. Silverman offered that Rick Van de Poll can do multiple reports, for example, Long-eared Bat, Wetlands, Wildlife Corridors, and Forest Composition. It was also suggested that Van de Poll could do the Green House Gas Analysis Report. Gray noted that Dan Coate did a good job on an Eversource Substation Noise Report, so they could ask him to do the same for the Solar Noise Report. It was agreed that the Planning Board should also hire an expert to review the issues connected to Archaeology. It was suggested that the New Hampshire Division of Historical Resources may be a resource for finding an expert in archaeology. Gray asked if Board members feel they are ready to make recommendations to the Board of Selectmen about who they hire. It was agreed that the Board is ready to make some recommendations. Gray asked whether they should wait and get input from the Conservation Commission. Silverman stated that the Planning Board is the body that handles the hiring of experts. **Silverman moved that they have Dr. Van de Pollo review the project. Gray asked for more specifics and listed Long-eared Bat, Wetlands, Wildlife Corridors, and Forest Composition. Haynes seconded the motion and it was voted unanimously. Gray moved that they hire a noise expert to review that report and Craig seconded. There was some discussion including that they should hire David Coates to do it. The motion was voted unanimously.**

Baker asked about the scope. There was a discussion about scope, at the end of which it was suggested that the Board go into a Non-public Session.

**Work Sessions and Non-public Sessions.** Craig expressed her concern about meetings that are only work sessions and about Non-public Sessions. She gave members a hand-out published by NHMA on right-to-know statutes and meetings. The materials covered non-public sessions. Kevin Woolley asked that a copy of that information be forwarded to Paul Kotila, Chairman of the Conservation Commission. There ensued a discussion regarding work sessions and whether they required minutes, various members stated that minutes were not necessary. The question was posed, if not necessary; then what is the process for keeping track. Silverman stated that working sessions are not recorded anywhere just kept individually. Board members read the material that Craig provided.

Pinney and Woolley left the meeting.

**Gray said she has information that needs to be shared in non-public session. Craig moved to go into non-public, in accordance with NHRSA 91-A:3 I and II(I). It was seconded and voted unanimously to go into non-public session and seal the minutes at 8:40 PM to allow Baker the Selectmen's Representative to share information from legal counsel. At 9:14 PM the first non-public session was ended.**

**At 9:14 members agreed to enter a second and separate non-public session and seal the minutes to discuss a personnel issue. The second non-public meeting ended at 9:24 and members voted to come out of non-public session and return to regular business.**

**Other Solar Project Items.** Gray reminded members that they still should check out the Ludlow Vermont experiences with NextEra to find out what their experience has been. They should also document the concerns brought out at the July 8<sup>th</sup> meeting by creating a list from the minutes of that meeting.

There was a brief discussion about other solar installations that they might want to consider. Hinsdale was an example of one just beginning.

**There being no additional business to conduct, it was moved, seconded, and unanimously voted to adjourn at 9:28 PM.** Members suggested a vacation with a plan to skip the early August meeting. The next meeting is scheduled for Tuesday, August 20, 2019.

Respectfully Submitted,

Laurie Hayward  
Land Use Administrative Assistant