

**Town of Fitzwilliam
Planning Board
Meeting Minutes
October 16, 2018**

Member's Present: Suzanne Gray, Chairman; Ross Tourigny; Terry Silverman; Robin Peard Blais, Secretary; Paul Haynes, Vice Chair; Alternate Karen Craig sat in for Matt Buonomano; Barbara Young, alternate; and Charlie Kenison, Selectman's Rep.

Member's Not Present: Matt Buonomano;

Others Present: Robin Crowe, applicant; 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 7:00 PM.

Public Hearing: 7:00 PM. The Chair opened the Public Hearing Continuance for the Robin Crowe application for Site Plan Review regarding the request to be permitted to use the commercial building on the property currently owned by Ralph and Helen Niemela at 705 NH Route 12 South, Tax Map 8, Lot 46, in the Rural District, for a business related to creating and selling ceramic works and where elements of the proposed business may involve a studio/workshop, a retail store, making various crafts, and teaching others to create ceramic works and other crafts.

The Chair asked for a motion regarding the completeness of the application. It was moved, seconded and voted unanimously that the application be considered complete. The Chair explained the process and indicated that the concern is for health safety and welfare of the community. The Chair passed a large format subdivision map of the property around for Board Members to view.

The Chair also noted that Crowe brought photos and a statement regarding the photos and her kiln in response to the Boards previous requests. The Chair read the statement provided by the Applicant. Asked about the septic system, the Applicant stated that it was put in when the property was developed for the business and there is no paperwork available on it. The Chair asked for the Applicant's plans for the property. Crowe explained that she has another facility, a crafts store in Troy. She ran out of room in that facility. She is certified to teach ceramics and would like to do that. This is a larger facility and has space for everything that she wants. The Chair asked regarding the expected hours of operation. Crowe stated that she generally

expects to have the retail business open 9 AM to 5 PM except when she has evening classes which would be held from 6 PM to 9 PM. Crowe expects to be open Tuesday through Saturday. Blais asked if it would be appropriate to take a site walk which would be helpful if they visited the site. The Chair agreed that they should do a Site walk. Tourigny asked if there is a completed Real Estate Disclosure form. Peterson answered that there is not and it is not required for commercial property. The Chair asked about one of the drawings submitted. Crowe explained that drawing is of the inside of the commercial building. **Blais made a motion to schedule a Site Walk: Tourigny seconded the motion and it was unanimously voted. Blais asked the Site walk be scheduled for this week, due to her schedule needs. The Chair asked the LUA whether there are time restrictions. The LUA did not believe that there are any at this point, but they do need to give time and date specific before the end of the hearing. The Chair stated that she could do it the next day. It was unanimously voted that the Site Walk be held Wednesday, October 17th, at 5:20 PM at the Site and that the Public Hearing be continued to November 6th at 7 PM in the upstairs hall.** The LUA asked about allowing time to locally post for the Site Walk. Silverman stated that the Planning Board doesn't need to post Site Walks and hasn't in the past.

Silverman asked the LUA to provide the minutes from the ZBA meeting before the next meeting. The Chair addressed Crowe and explained that the Planning Board does look at different things than the Zoning Board of Adjustment and that is why they will take a separate Site Walk. At this point Crowe, Peterson, and Wright left the meeting.

Minutes: Meeting of October 2, 2018. The Chair asked that the "LUC" be corrected to read "LUA". On line 90, "School Finance Committee" should read "Monadnock Funding Committee". On Line 215, correct the vote from 5 to 4 in favor. Line 121, change "where" to "what". Line 132, the sentence beginning "Kenison spoke about ..." should be removed as he didn't say it. No one else agreed to having made that comment so it is removed. Line 162, Silverman asked that the sentence "The Chair" should be changed to "Silverman had said". Line, 164, delete "also".

Craig spoke stating that she feels there is too much information in the minutes and they should be shorter. Gray said that perhaps they could be more concise and pointed out that the Planning Board did not need as much detail as, say, the Zoning Board of Adjustment, which is one of the four Boards and Commissions for which the LUA keeps the minutes. **Kenison moved; it was seconded and voted unanimously to approve the Minutes of the Meeting of October 2, 2018 as amended.**

New Business: The Chair opened the question of who should be the Capital Improvement Plan (CIP) representative. She noted that Paul Haynes is the current CIP Representative. **Haynes moved that Buonomano be the next CIP Representative for the Planning Board; Silverman seconded the motion, and it was voted unanimously.**

The Chair spoke about a meeting, held the previous evening, with the Conservation Commission that she attended along with others from the Planning Board. There was a discussion about the Conservation Commission Members' concerns regarding getting notified of Land Use Board cases with enough time to respond. There was a brief discussion about how to best communicate, including that the LUC, and the Town Administrative Assistant as well, keep the Conservation Commission advised. It was noted that historically, there is communication. The Chair suggested that the Conservation Commission should be notified whenever there is a wet area noted on the subdivision or Site Plan map. The Chair asked the LUC to notify the Conservation Commission about the Crowe Site Walk.

Craig asked why the Conservation Commission would want to know about a case such as Crowe. The Chair stated that there are some possible concerns, not saying there are in that case; but, sometimes there are concerns about contaminants getting into a wetland area. Keeping Conservation Commission advised of cases before the Planning Board allows them to decide whether there might be a wetlands impact.

Robin Blais left the meeting.

Old Business: The Board took up Buonomano draft letter to Xtreme Auto. The Chair pointed out that Buonomano also included a note to the Board. It was suggested that the word "post-haste" be replaced with "promptly". Members agreed that is an improvement. Tourigny noted that Buonomano's note to the Board included that he could not find all of the minutes for past Board meetings that surrounded the original application and discussions. The Chair stated that she had some of the minutes. There was a request regarding getting the old minutes and the LUA went to her office to find minutes for the meeting in question. The Chair read from the September 19, 2017 minutes regarding Xtreme Auto. The Board asked for all of the old minutes referenced in the Xtreme Auto case. The LUA retrieved three of four sets of minutes; but, could not quickly find the September 5, 2017 minutes. It was agreed that the final draft would be reviewed once the Board had all sets of Minutes: July 19, 2016, September 6, 2016, September 5, 2017 and September 19, 2017.

The Chair read from the minutes of July 19, 2016. The minutes mentioned a Site Plan Application. The Chair asked if members remembered getting any additional documents including a site plan or other drawings. Silverman stated that it was his recollection that the application did not include much documentation, no drawings. The Chair read a portion of the September 5, 2017 Minutes, including that Buonomano asked for maps and sketches. On those minutes, Carney said that they had applied for an Intent to Cut. Buonomano is noted as saying they are active within the 100-foot setback- so there are drainage concerns. Minutes indicate that at that time the then Planning Board was concerned that there was more activity than they expected or approved. On those Minutes, it was expressed that junk-yards must have fences around them.

There was concern about whether there were missing Minutes. The LUA stated that the minutes of September 19, 2017 are not on the town website or in the property file. The LUA agreed that she would look for the missing minutes. The Board agreed that they would hold off until next meeting when they would hopefully have all of the referenced minutes. Silverman suggested that the Select Board should probably take this one up anyway. It was mentioned that either Keith Johnson or Mike Davini has appeared before the Board, representing Xtreme Auto. It was agreed that they would table the draft letter to Xtreme Auto until next meeting.

Work Session: Rules of Procedure. The Chair explained that they do not yet have a cleaned up version of the Rules of Procedure. The Chair asked the LUA to add them to members' packets for the next meeting.

The Chair also brought up the question of possible recommended changes to language on the Construction Permit. Haynes pointed out that idea came up as a result of concerns about creating abutters lists with the current 200-foot requirement. Doing away with that requirement may change whether there is a need for the Planning Board to be concerned with making that recommendation for a change to what is essentially a Select Board application. After a brief discussion, it was agreed that there was no need to pursue this at this time.

Silverman asked that he LUA not seal the packets mailed to Board Members as he does not like the waste and prefers to return them for refilling. The LUA agreed to try that.

Correspondence/Announcements:

There being no additional business to conduct, the meeting was adjourned at 8:12 PM. The next meeting is a Site Walk and the next regular meeting includes the Continuance of the Crowe Site Plan Review and is scheduled for November 6, 2018.

Respectfully Submitted,

Laurie Hayward
Land Use Administrative Assistant