

APPROVED
Zoning Board of Adjustment
Meeting Minutes
October 20, 2015
Special Meeting

Members: Steve Filipi, Bob Handy, Jack Ernst, Sue Wood, alternate seated for Cathy Davis, Carmen Yon, alternate, seated for Gretchen Wittenborg.

Others Present: Susan Silverman, selectmen's representative, Terry Silverman. Abutters present – Barbara and Ted Dubinski, Gail Landy and David Tighe.

CTO: 7:05 PM.

7:00 PM Public hearing. D'Ann Bartlett appeal for a special exception under Section 127-9, B. Accessory Dwellings Units, to construct a garage that will include an accessory dwelling unit, on property located at 31 Angier Road, Map 28, Lot 17, Residential District.

Mr. Bartlett presented a revised garage/accessory dwelling proposal. The original design was post and beam and they decided that was not affordable. One bay of the originally proposed garage has been removed to accommodate the accessory dwelling at 792 sf, under the 800 sf maximum. The septic system will be replaced to accommodate both residences on site, the main house and the accessory dwelling unit. The original tank/leach field are not adequate.

Mr. Bartlett asked about measuring the setback from the road and clarified that the measurement is taken where the structure is closest to the road. It is fifty feet from the road at that point, in compliance with residential zoning.

Yon asked if they had considered putting the living space all on one floor since the apartment will be used by an elderly family member. Mr. Bartlett said he had considered it, but decided the proposed arrangement met the accessory dwelling unit requirements better with a two story apartment and if/when they need to install a chair lift they will do so.

Filipi asked if there were other questions from the Board. Hearing none, he moved, Ernst seconded and the Board voted to close the public hearing, so the Board could deliberate and decide on the mandatory findings requirement for granting a special exception.

Mandatory Findings by the Board of Adjustment. The Board of Adjustment shall not issue Special Exception unless, without exception, it shall find the proposed use:

1. Is in harmony with the purpose and intent of this chapter. The Board unanimously agreed on this item.
2. Will not be detrimental or injurious to the neighborhood in which it is to take place. The Board unanimously agreed on this item, adding they will condition approval on replacement septic system is installed prior to issuance of a certificate of occupancy.
3. Is appropriate for the site in question. The Board unanimously agreed on this item.
4. Complies with all applicable requirements of this chapter. The Board unanimously agreed on this item.
5. With respect to dimensional requirements establishes that there exist special conditions that make the meeting of these requirements unduly burdensome. The Board agreed this item is not applicable in this case.

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The Board granted the Special Exception, noting that a notice of decision would be sent within five business days, with the following condition: The Board unanimously agreed to condition the special exception approval on replacement septic system is installed prior to issuance of a certificate of occupancy. Their next step is to go to the Board of Selectmen for a building permit.

Minutes. The Board reviewed the minutes and Filipi moved, Ernst seconded and the Board approved the 07/14/15 minutes with two typo corrections.

7:30 PM Public Hearing. **Alan Howard** appeal for a special exception under section 127-11, D. Restaurant, to open a café within the Covey House located at 52 NH Route 119 W, Map 32, Lot 38, Village Center Business District.

Mr. Howard noted that at one time there was a general store in this building, Roy's Market, noting the history of the building included a meat market, general store and deli. He said that when they moved to town, they looked for a place to have coffee, a muffin and read the paper. They found this place, which belonged to Fitzwilliam Green, LLC and was a furniture shop; Mr. Howard told the Board that when he saw a hood and exhaust fan, a gas line, a walk-in cooler, and 3 bay sink, he thought Café!

Mrs. Howard has located a group shop in the building, calling it the Covey House. When they bought the building in September 2015, they decided to use it for several purposes, including the group shop and a café. They also plan to sell staple food items, have a deli and sell prepared take-out food, in addition to the café.

After consulting with Carl Hagstrom and Ken Beckwith regarding septic and town water restrictions, they decided that 15 seats were probably the maximum they could accommodate in the café. They plan to use paper products for take-out and café service to limit the impact on the water and septic systems. The Board concurred they would like to see reports in writing from both consultants and suggested they be sent to the Planning Board as well.

It is clear that the State (DES and Board of Health) has jurisdiction on some of these food related matters and Mr. Howard has been in touch with them. He feels this is a wonderful opportunity to offer fresh food, locally sourced to serve both local customers and visitors. He said this will be an economic benefit for the Town, and could become a destination with the two businesses paired in the same building, adding visitors could make a day of it.

Filipi asked if attending abutters had any questions. The Dubinskis asked about the food service – would they just serve breakfast, or lunch and dinner as well. They live next door and are concerned about parking and the possibility for cars to block their driveway. Mr.

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Howard said they won't have a full breakfast, but pastries and coffee; and sandwiches with prepared food in the deli case for take-out for lunch or supper.

Mrs. Howard has identified 11 possible parking spots both on site and off site. Handy asked if they plan to be open year around or only seasonally. They plan to be open year around, from Sunday through Friday. Mrs. Howard noted that Saturday is usually the busiest day in Fitzwilliam for shoppers and for events on the Common or at the Library or Church. She added that being closed on Saturdays may free up parking for other events and businesses. Ernst asked if there was only one apartment upstairs. Mrs. Howard confirmed they have one apartment, which is rented and two parking spaces are designated for the renters.

David Tighe, owner of the Fitzwilliam Inn, asked if they plan to serve dinners. Mr. Howard said he expected to close around 7 PM, staying open so people returning from work could stop in for a prepared meal to take out, adding they don't plan to do sit down dinners.

Handy asked about catering. Mr. Howard said they would do catering, since that is the business he has been in for decades, catering food for passengers on private business jets. He plans to use the kitchen for the café and take out, and for the in-flight catering work.

Susan Silverman, Selectman's representative, said she has concerns about the parking, adding that come and go traffic may not be a problem but the sit and stay clients might cause a parking problem. She said parking has caused issues with other ventures in this area. There were several suggestions about how to increase customer parking, including dealing with parking on a state road. Filipi asked Mr. Silverman if the ZBA needed to take parking into account, or if the Planning Board would deal with it during site plan review. Silverman agreed the ZBA could address these issues and parking plans adhere to parking regulations.

Filipi asked about café hours. Mr. Howard was thinking 8 or 9 AM to 7 PM, and maybe have shorter hours in the winter. Filipi suggested parking would be less of a problem during daylight hours; adding that night parking is an issue, when people might want to park closer to the business. He added that it would be more likely that customers would park on Templeton Turnpike or near Town Hall during the day, but at night it would be a problem when parking is especially dangerous on the state road. He wondered how many spaces they might need at 9 AM when they open or at 5:30 when working people return home.

Filipi asked how many parking spaces are available right now for customers. Mrs. Howard thinks there may be 6 spaces. Wood asked if they might have a catering truck. They do not, nor do they plan to. Filipi said he recommended being open during daylight hours and to be pro-active about parking in the neighborhood, so cars do not block residential driveways.

Filipi asked if there were other questions for this case. Mrs. Howard said they may change their open hours, and they may decide to be open only five days in a week, rather than six.

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Susan Silverman said that having seating for 10 inside might encourage more people to linger inside and result in more cars parked for longer periods; however, if there is more take out, then there are fewer cars parking for long periods of time, therefore fewer parking spaces may be needed. Mr. Howard said his vision is take out rather than having people staying an hour or two. He added that Wi-Fi connections won't be available nor will newspapers. Susan Silverman said restricted seating will discourage people from staying. Filipi asked if they'd consider being open 9-5 or 6.

Mrs. Howard said it was odd to be limiting hours for a business even before it opens. She said she knew that exceptions could be made for businesses in the Village Center Business District and wondered if they could use other space nearby; for instance strike a bargain with the former liquor store/Meating Place owner for parking use. She said she'd like to be open when the town has evening events like the Concerts on the Common in the summer. She also said that not having sit down after 6 PM was a good recommendation. Handy noted that daylight hours are longer in the summer.

Ernst moved, Handy seconded and the Board voted to close the public hearing so the Board can deliberate and decide on the mandatory findings for granting a special exception.

Mandatory Findings by the Board of Adjustment. The Board of Adjustment shall not issue Special Exception unless, without exception, it shall find the proposed use:

1. Is in harmony with the purpose and intent of this chapter. The Board unanimously agreed on this item.
2. Will not be detrimental or injurious to the neighborhood in which it is to take place. The Board unanimously agreed on this item, noting that abutters were present and were OK with the proposal. The Board said its main concern was parking after dark.
3. Is appropriate for the site in question. The Board unanimously agreed on this item. Filipi added that he thought it was a good location in general.
4. Complies with all applicable requirements of this chapter. The Board unanimously agreed on this item.
5. With respect to dimensional requirements establishes that there exist special conditions that make the meeting of these requirements unduly burdensome. The Board agreed this item is not applicable in this case.

Filipi said the Special Exception is granted and they will get a notice of decision within five business days. He added that their next step is to apply to the Planning Board for a site plan review.

Yon moved, Ernst seconded and the Board voted to adjourn the meeting at 8:20 PM.