Town of Fitzwilliam
Zoning Board of Adjustment
Work Session Minutes
September 5, 2019

Members Present: Gretchen Wittenborg, Chairman; Bob Handy and Chad Beede, Members; Susan Massin, Alternate, and Selectmen’s Representative Mr. Kenison.

Members Absent: Dan Sutton, Alternate.

Call to Order: The Chair called the meeting to order at 7:00 PM.

Wittenborg noted that Mr. Sutton will be at the next meeting for a new case.

Election of officers: Vice Chairman: Wittenborg noted that Dan Sutton is willing to serve as Vice Chairman. Bob Handy nominated Wittenborg as Chairman, seconded by Beede, and the Board voted unanimously for Wittenborg to serve as Chairman. Wittenborg nominated Dan Sutton as Vice Chairman, seconded by Beede, and the Board voted unanimously for Sutton to serve as Vice Chairman.

After reviewing other towns’ zoning ordinances, including Francestown, Mt. Vernon, and Warner the Board discussed how to proceed with review of Fitzwilliam’s zoning ordinances. Beede asked if the ZBA is advocating for changing/clarifying the zoning ordinances, so the town is not ripe for potential lawsuits. The Board noted definitions are inadequate in many instances. Wittenborg suggested basing definitions based on state RSAs.

Issues include clarification of seasonal use vs year around use of dwellings; hammerhead lots, and conditional use waivers. She questioned whether a conflict of interest exists as the ordinance allows the Planning Board to issue waivers. She suggested checking state statutes as a basis for ordinance clarification. She pointed to Francestown ordinances, p. 10 regarding their use of “protect and preserve” language. Wittenborg suggested reviewing accessory use restrictions in the Table of Accessory Uses.

The Board agreed that clarity of language is critical when making zoning decisions. She noted that applications must be signed by all parties to an application. The Board would like to have tax maps of the property attached to applications.

Wittenborg suggested adopting the state/federal language regarding any future cell tower ordinance.

Wittenborg suggested reviewing the Wetlands Protection Overlay District and Ordinance.

Each member will review the current Fitzwilliam zoning ordinances noting any problematic issues.

The meeting was adjourned at 8:40 PM.

Approved December 10, 2019