

## Understanding the Land Use Boards

Fitzwilliam has four\* Land Use Boards staffed by dedicated residents who volunteer their time and talent to plan for and make decisions about the use of land and preserving the natural and historic resources of the town. The Planning Board, Zoning Board of Adjustment (ZBA), Historic District Commission, and the Conservation Commission\* work together to ensure the vision and values of the town are reflected in residential, business, and cultural development.

How do these Boards work? How might these Boards affect you and your project? Contacting the Land Use Department can help you determine if you need to interact with these Boards to do your project. Reading the Land Usage Ordinances, Subdivision Regulations, Code of the Town of Fitzwilliam, and the Master Plan will help too. Since every project is unique, and projects sometimes change during the review process, a one-size-fits-all guide to permits cannot address every circumstance. A quick guide to the Land Use process follows.

### PLANNING BOARD

Made up of six elected members and a Selectmen's ex-officio representative, the Planning Board is charged with planning for subdivisions and reviewing site plans for businesses, multi-family residential projects, and some residential projects, depending on the circumstances. They also review conditional use permit applications for wetlands and excavation. Additionally, the Planning Board is responsible for the Master Plan.

#### Subdivisions

If you want to subdivide your land, contact the Land Use Department to get a copy of the subdivision regulations and application or to make an appointment for a preliminary consultation with the Planning Board (required). The Planning Board will work with you to make your plans work within the town ordinances and applicable regulations.

After your application is completed, notices will be mailed to your neighbors/abutters and a public hearing will be scheduled to begin working on the approval process. You will need to have clear and precise drawings that meet subdivision requirements. In most cases, it will be necessary to have a surveyor and/or engineer help you. Along the way, it may become necessary to refer you to other Boards/Commissions for various permits as circumstances warrant. If you need relief from an ordinance to make your project work, you will be referred to the ZBA. If wetlands are involved, a wetlands hearing and consultation with the Conservation Commission can be scheduled. The state requires various permits as well.

The Planning Board is required by law to accept (not the same as approve) or deny your application within thirty days (30) of receiving your application. If accepted as complete, the Planning Board then has sixty five (65) days to approve or deny your subdivision. If approved, your subdivision will be recorded with the Cheshire County Registry of Deeds and you may begin work on the subdivision.

Sometimes subdivisions are approved with conditions. Conditional approval usually means there are outstanding issues that need to be resolved before work may begin. These conditions are to safeguard the Town's interests and protect the health, safety, and welfare of the public. Decisions of the Planning Board can be appealed within 30 days to the ZBA, Superior Court, or the state's Housing Appeal Board.

## **Site Plan Review**

If you plan to start or expand a business or develop a multi-family residence, you must meet with the Planning Board for a preliminary consultation to determine if a site plan review is necessary. If needed, you will complete an application, develop detailed plans and present your application to the Planning Board in a public hearing.

The Planning Board considers a variety of design aspects, including site preparation, access points, building location, parking, loading and pedestrian safety, outdoor lighting, signage, landscaping, buffers, environmental impact, effect on the neighborhood, water supply and sewage disposal, public service connections, and zoning appropriateness. The application process is the same as for a subdivision application, though construction permits may need to be obtained.

## **Wetlands**

The Town of Fitzwilliam adopted a Wetlands Protection Overlay District (WPOD) in 1991 at the Annual Town Meeting. Simply put, the WPOD safeguards our natural resources by controlling development near wetlands. If your plans call for any development within 75 feet of a wetland or 100 feet of a prime wetland (maps are available in the land use office), you will need to contact the Land Use Department to schedule a preliminary consultation. The Planning Board will review your plans and determine what permits and/or approvals are needed.

Many times, development within the wetlands buffer requires a Conditional Use Permit from the Planning Board and a Variance from the ZBA. The Planning Board may also refer this to the Conservation Commission for their review.

The Planning Board meets the first and third Tuesday of the month at 7:00pm at the Town Hall. All meetings are open to the public, but if you want to file an application for a subdivision, site plan review, or wetlands, your completed application must be filed with the Land Use Office at least fifteen (15) days before the meeting to allow for legal public noticing. Please feel free to contact the Land Use Department to discuss your needs.

Tel: 603-585-9119

Email: [fitzlanduse@fitzwilliam-nh.gov](mailto:fitzlanduse@fitzwilliam-nh.gov)

A list of members and approved minutes of all meetings can be found on the town website at [www.fitzwilliam-nh.gov](http://www.fitzwilliam-nh.gov). Site plan regulations, subdivision regulations, applications, the zoning ordinance, and the Master Plan can be found on the website as well.

Public meetings are posted in the Town Hall and Post Office for the state required number of days prior to the meeting. Planning Board public hearings are posted ten (10) days ahead. Agendas change frequently and are posted in the Town Hall as they are updated. Please contact the Land Use Department for more information.

## ZONING BOARD OF ADJUSTMENT (ZBA)

A five-member ZBA, made up of Town residents, is appointed by the Board of Selectmen. There is also a non-voting ex-officio member from the Board of Selectmen on the ZBA.

New Hampshire state statutes RSA 672-677 and Fitzwilliam's Land Use Ordinance Sections 205 and 127:41-43 create, authorize, and describe the appeals work of the ZBA. There are four basic appeals an individual can make to gain relief from an ordinance that seems especially burdensome in their unique situation. Applicants may seek approval from the ZBA for a Special Exception, Variance, Equitable Waiver of Dimensional Requirements, and/or Administrative Appeal.

To make an appeal, you must first complete and file an application with the Land Use Office. After your application is filed, notices will be mailed to your neighbors/abutters and a public hearing will be scheduled to hear your appeal. Sometimes the Selectmen's Office or the Planning Board will refer you to the ZBA if they recognize that to successfully complete your project you need a variance or special exception. Or you can come to the ZBA on your own if you feel a decision has been made in error because the ordinance has been incorrectly interpreted by a town official. Decisions of the ZBA can be appealed, as can decisions by the legislative body, Planning Board, Historic District Commission, or Code Enforcement Officer. An appeal is made to the ZBA for a rehearing, and if that appeal is denied, you may appeal to Superior Court or the state's Housing Appeal Board.

The ZBA meets the second Tuesday of the month at 7:00pm at Town Hall when they have pending cases. All meetings of the ZBA are open to the public, but if you want to file an appeal or variance hearing, you must have your completed application filed with the Land Use Office at least fifteen (15) days before the meeting to allow for legal public noticing. Please feel free to contact the Land Use Department to discuss your needs.

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A list of Board members and approved minutes of all meetings can be found on the town's website at [www.fitzwilliam-nh.gov](http://www.fitzwilliam-nh.gov).

Notice of public meetings and hearings are posted in the Town Hall and Post Office for the state required number of days prior to the meeting. Agendas change frequently and are posted in the Town Hall as they are updated. Please contact the Land Use Department for more information.

## HISTORIC DISTRICT COMMISSION

Current boundaries of the Historic District were set at the Annual Town Meeting in March 1992. The boundary lines confine the District primarily to the Village Center. The boundary extends west of Route 12 North, north and south of Route 119 West, and includes a few properties east of the Route 12 and Route 119 intersection. There are 165 properties within the Historic District. Maps are available in the Town Hall or on the town's website.

The Historic District Commission was created under RSAs 673:1 and 673:4. Their purpose is:

- To preserve structures and places of historic and architectural value;
- Preserve a district which reflects elements of the towns' cultural, social, economic, political, and architectural history;
- Conserve property values;
- Foster civic beauty;
- Maintain the existing architecture of the District.

The Fitzwilliam Historic District Commission is an advisory board chartered to give homeowners a set of criteria and support to guide exterior modifications for restorative and new construction in the Historic District.

If you want to do any exterior construction or alteration work on your property and you live in the Historic District, you must apply to the Historic District Commission and schedule a time to meet with the Commission for a hearing. You can get an application at the Land Use Office or the town's website. The Land Use Office can assist you in scheduling your hearing. Your application and any supplemental material must be received in the Land Use Office at least five (5) days before you plan to meet with the Commission.

The Commission will need to know the purpose, location, design, and materials for your proposed building, alteration, or addition. Your plan should show all boundaries, setbacks and right-of-ways, and indicate the type of exterior materials, siding, roofing, and/or paint colors to be used.

The six-member Commission is appointed by the Selectmen and they meet on the second Thursday of the month at 4:00pm in the Town Hall, when there is a case. There is also a non-voting ex-officio member from the Board of Selectmen on the Commission. A list of Commission members and approved minutes of all meetings can be found on the town website at [www.fitzwilliam-nh.gov](http://www.fitzwilliam-nh.gov).

Public meetings are posted in the Town Hall and Post Office for the state required number of days prior to the meeting. Historic District Commission meetings are posted two (2) days ahead. Agendas change frequently and are posted in the Town Hall as they are updated. Please contact the Land Use Department for more information.

## CONSERVATION COMMISSION\*

The Conservation Commission was adopted by the Annual Town Meeting in March 1972 as set forth by RSA 36-A. The Commission's mission is to protect the natural resources of Fitzwilliam. They advise groups, applicants, and agencies on conservation matters and meet regularly with other town boards. The Commission also meets with residents who are looking for guidance on how to improve or mitigate any deficiencies in protecting natural resources, especially situations that affect wetlands, water bodies or natural communities of the town.

If you want to do any work around wetlands or sensitive natural resources, you will be referred to the Conservation Commission. There is no formal application process and many times the documents prepared for the required permits (for example construction permit, conditional use permit, variance, etc.) are sufficient. The Commission will need to know the purpose, location, design, and materials for your proposed building, alteration, or addition. Your plan should show all boundaries (including wetlands), setbacks and right-of-ways, and indicate the type of materials to be used.

The Natural Resource Inventory, Prime Wetlands mapping, and Open Space Plan are maintained by the Conservation Commission. They also oversee the hiking trails within Widow Gage.

The six-member Commission is appointed by the Selectmen and meets on the third Monday of the month at 7:00pm in the Town Hall. There is also a non-voting ex-officio member from the Board of Selectmen on the Commission. A list of Commission members and approved minutes of all meetings can be found on the town website at [www.fitzwilliam-nh.gov](http://www.fitzwilliam-nh.gov).

\* Conservation Commission is not considered a Land Use Commission by the State of New Hampshire. However, the Land Use Department provides administrative support for the Commission. The Commission is also an integral part of the Land Use Department.