

Town of Fitzwilliam
Zoning Board of Adjustment
June 9, 2026

ZBA Members Present: Susan Massin, Chair; Jason Drew; Helen Mattson; Brian Doerpholz; Susan Irvings, Alternate; and Nancy Carney, Selectmen's Representative.

ZBA Members Absent: Coni Porter, Vice Chair.

Staff Present: Lori Nolan, Clerk/Land Use Coordinator.

Guests Present: Scott Niemi; Nancy Niemi; and Erin Anderson.

Call to Order: Chair Susan Massin called the meeting to order at 7:00 PM and held roll call. With the absence of one member, Alternate Susan Irvings was seated as a voting member.

Public Hearing

Case #26-06: Scott and Nancy Niemi appeal for a Variance under Article 5, Section 127-19 Appendix A to permit construction of an 8x10 foot greenhouse with a front yard of 69 feet, where 75 feet is required at 277 Fullam Hill Road. [Map 12, Lot 63-3 – Rural District]

Massin welcomed Scott and Nancy Niemi to the meeting.

S. Niemi explained how their property is problematic. The lot may have ample acreage, but the land drops off considerably just beyond the house. A variance was required for the garage and woodshed. S. Niemi showed the Board a photo indicating the drop-off.

The Niemis would like to build an 8x10 foot greenhouse in the same style as the house 69 feet from the center of the road. Massin corrected the application stating that setbacks are measured from the edge of the road. Therefore, the location of the greenhouse will be 56 feet from the road, where 75 feet is required.

The Board noticed that the greenhouse is located within land designated as current use. Carney found that portable greenhouses can be located in land designated as current use.

The Board discussed the lot and how it is tree-lined and private. The public will most likely not even notice any change should the greenhouse be built.

Drew asked if there are any wetlands present. S. Niemi stated there are wetlands approximately 99 feet from the garage. The greenhouse will be located beyond the garage. S. Niemi commented that the proposed greenhouse area receives the most sunlight.

Massin moved to close fact finding and proceed to deliberations. Drew seconded. Motion passed unanimously.

Yes: 5 [Massin; Drew; Mattson; Irvings; Doerpholz]; No: 0; Abstained: 0

Massin moved to adopt the following Findings of Fact. Drew seconded. Motion passed unanimously.

Yes: 5 [Massin; Drew; Mattson; Irvings; Doerpholz]; No: 0; Abstained: 0

Findings of Fact:

1. Applicant requests a variance to allow placement of an 8x10-foot greenhouse within 56 feet of the road, where 75 feet is required, at 206 NH Route 119 East (Map 12, Lot 17 – Rural District).
2. The property is situated on a slope, with a powerline easement and wetlands in the back portion.
3. The area in which the greenhouse is located is in land designated as current use. State law does not require moveable greenhouses to be outside of current use areas.
4. The septic leach field is located behind the proposed location for the greenhouse.
5. The proposal will allow the applicants the ability to grow organic products for a longer period of time.

Five mandatory variance criteria were discussed and voted as follows:

Criterion #1: The variance will not be contrary to the public interest; and

Criterion #2: The spirit of the ordinance is observed.

Yes: 5 [Massin; Drew; Mattson; Irvings; Doerpholz]; No: 0; Abstained: 0

Findings: The Board determined the variance would not pose fire or safety risks as the proposed greenhouse location will not alter the neighborhood, impede parking, traffic visibility, or emergency access. The Board found that it was impractical to locate a greenhouse, or any other structure, anywhere else on the property

due to the limitations that the property has including an elevation change, a powerline easement, and the presence of the wetlands. The variance will allow reasonable use of a topographically constrained lot.

Criterion #3: Substantial justice is done.

Yes: 5 [Massin; Drew; Mattson; Irvings; Doerpholz]; No: 0; Abstained: 0

Findings: Granting the variance ensures the owner can use the property fairly while maintaining the spirit of the ordinance. The greenhouse will cause no potential adverse impact on the neighborhood, nor does it infringe on safety or access. The owner gains a greenhouse and the ability to grow produce in a more predictable environment, while the public experiences no harm.

Criterion #4: The values of surrounding properties are not diminished.

Yes: 5 [Massin; Drew; Mattson; Irvings; Doerpholz]; No: 0; Abstained: 0

Findings: The Board found no evidence that granting the variance would diminish surrounding property values or change the rural appearance of the area as the proposed greenhouse will not be visible from the road. The owner intends to retain existing trees and vegetation, which maintains the aesthetic and environmental qualities valued by the community. No comments were received or given by any abutters or members of the public.

Criterion #5a: No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property.

Yes: 5 [Massin; Drew; Mattson; Irvings; Doerpholz]; No: 0; Abstained: 0

Findings: The property has limitations including an elevation change, a powerline easement, and presence of wetlands, which prevents structures being constructed outside of the front setbacks. The Board found allowing the greenhouse to be placed within the front setback enables the owner to make reasonable and beneficial use of the property without infringing on the rights of others or altering the essential character of the neighborhood. Because the variance preserves public welfare and harmony within the rural zoning intent, no fair and substantial relationship exists between the ordinance's general purposes and the specific application of that provision to the property.

Criterion #5b: The proposed use is a reasonable one.

Yes: 5 [Massin; Drew; Mattson; Irvings; Doerpholz]; No: 0; Abstained: 0

Findings: The Board found this is a reasonable use as it is permitted by right.

Conditions: none

Massin moved to approve the application of Scott and Nancy Niemi for a Variance under Article 5, Section 127-19 Appendix A to permit construction of an 8x10 foot greenhouse with a front yard of 56 feet, where 75 feet is required at 277 Fullam Hill Road [Map 12, Lot 63-3 – Rural District], subject to no conditions. Drew seconded. Motion passed unanimously.

Yes: 5 [Massin; Drew; Mattson; Irvings; Doerpholz]; No: 0; Abstained: 0

REVIEW OF MINUTES

After a brief discussion and two minor edits, **Massin moved to approve the minutes of May 12, 2026 as amended. Drew seconded. Motion passed unanimously.**

Yes: 5 [Massin; Drew; Mattson; Irvings; Doerpholz]; No: 0; Abstained: 0

OFFICER ELECTIONS

Massin moved to nominate Jay Drew as chair for a one-year term. Irvings seconded. Motion passed unanimously.

Yes: 5 [Massin; Drew; Mattson; Irvings; Doerpholz]; No: 0; Abstained: 0

Massin moved to nominate Coni Porter as vice chair for a one-year term. Mattson seconded. Motion passed unanimously.

Yes: 5 [Massin; Drew; Mattson; Irvings; Doerpholz]; No: 0; Abstained: 0

Drew moved to nominate Lori Nolan as clerk for a one-year term. Massin seconded. Motion passed unanimously.

Yes: 5 [Massin; Drew; Mattson; Irvings; Doerpholz]; No: 0; Abstained: 0

With no further business to discuss, **Doerpholz moved to adjourn the meeting. Drew seconded. Motion passed unanimously.**

The meeting was adjourned at 7:25 pm.

Respectfully submitted

Lori Nolan
Clerk/Land Use Coordinator

Minutes approved as amended on July 14, 2026.