

Town of Fitzwilliam
Zoning Board of Adjustment
July 14, 2026

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

ZBA Members Absent: Susan Irvings, Alternate.

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

Guests Present: John Noonan; and Beth Herrick.

Call to Order: Chair Jason Drew called the meeting to order at 7:00 PM and held roll call.

Public Hearing

Case #26-07: Ronald and Beth Herrick appeal for a Variance under Article 4, Section 127-16.1:D-5f to permit construction of a driveway of minimal width impacting 11,848 square feet or 3% of the WPOD on the property, where the total area of the altered WPOD cannot exceed the lesser of 5,000 square feet or 10% of the WPOD on the property at Putney Road. [Map 2, Lot 20 – Rural District]

Clerk Nolan introduced the case stating that a preliminary consultation occurred before the Planning Board on April 21, 2026. The Planning Board determined a variance is needed as 11,828 square feet is being impacted within the WPOD. The applicants have received several NHDES approvals, specifically a dredge and fill wetlands permit. The applicants completed a boundary line adjustment (adding acreage to lot 2-20 from lot 6-42) to provide frontage on a Class 5 road. The driveway design follows a court-ordered/agreed curb cut location near Putney Road, Fish Rock Road, and Kemp Brook, extending south parallel to a stone wall.

Drew welcomed John Noonan, applicants' representative from Fieldstone Land Consulting, to the meeting.

Drew raised a point of order questioning whether the ZBA needed to hear the case. He highlighted the difference between the WPOD ordinance language use of the term "altered" area versus the application's reference to "impacted" area (which included a 75-foot buffer zone). Drew noted the altered area is only 821 square feet, which falls below the 5,000-square-foot threshold that triggers a variance requirement.

Porter felt that culverts can cause the water level to change, which would fall under the definition of alter. Drew felt that culverts, themselves, do not change the water level. Culverts only allow water to flow freely.

Noonan commented that the water table will not change. The culverts have been sized for a 100-year storm. The driveway is long, but only these three areas are under review. The remainder of the driveway is not in the wetlands or buffer. Noonan also stated that they used the word "impact" throughout the application due to State requirements. The State does not recognize buffers; only local municipalities.

Doerpholz commented that the Town, through the Planning Board and Conservation Commission, delineated and identified areas that are considered prime wetlands. This proposal is well within the prime wetland area. He had concerns not reviewing as the purpose of the WPOD is to preserve these sorts of high value land. He wondered if this application will set a precedent.

Drew agreed with Doerpholz and Porter's concerns regarding the wetlands and environment, but the ZBA must review the application in front of them. This application, in his opinion, meets zoning requirements.

Doerpholz suggested having the Planning Board comment on their intention. The ZBA was in agreement.

Doerpholz moved to remand Case #26-06 back to the Planning Board to specifically define why a variance is needed under Section 127-16.1, clarify the legal terms/definitions, and consult town legal counsel, if necessary, before sending the matter back to the ZBA. Drew seconded. Motion passed unanimously.

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

REVIEW OF MINUTES

After a brief discussion and two minor edits, **Drew moved to approve the minutes of June 9, 2026 as amended. Massin seconded. Motion passed unanimously.**

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

ANNOUNCEMENTS

New Staffing: The Board of Selectmen hired Leon Genre as the town's new part-time Building Inspector/Code Enforcement Officer to issue permits and perform progress inspections.

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

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

The meeting was adjourned at 7:30 pm.

Respectfully submitted

Lori Nolan
Clerk/Land Use Coordinator

Minutes approved as written on August 11, 2026.