

TOWN OF FITZWILLIAM

PLANNING BOARD

Minutes

August 18, 2026

Planning Board Present: Suzanne Gray, Chair; Josh Joslyn; Mike Piquette; Chip Yensan; and Jenn Cesaitis, Selectmen's Representative.

Planning Board Absent: Casey Head, Vice Chair; Kevin Woolley, Secretary; and Tyler Faulkner, Alternate.

Staff Present: Lori Nolan, Land Use Coordinator; and Carol Ann Rocheleau, Health Officer (remote).

Guests Present: Chuck Tidman (remote); Tracy Mendes (remote); and Erin Anderson.

Chair Suzanne Gray called the meeting to order at 7:00pm and held roll call.

Public Hearing

Case #26-04: E. Charles Tidman III and Tracy Mendes – Conditional Use Permit – to permit construction of a 263 square foot rear deck within the WPOD at 45 Pine Road. [Map 35, Lot 27 – Rural District]

Gray welcomed Chuck Tidman to the meeting.

Piquette motioned that the application is complete. Yensan seconded. Motion passed unanimously.

Yes: 5 [Gray; Joslyn; Piquette; Yensan; Cesaitis]; No: 0; Abstained: 0

Tidman explained that he had already obtained variances from the Zoning Board of Adjustment (ZBA) for both the wetlands and side setbacks. Addressing recommendations from the Conservation Commission, Tidman advocated against placing gutters on the east (pond-facing) side of the house. He expressed concern that putting gutters on the metal roof prior to adding proper roof insulation could result in ice dams and severe winter water damage to the home while they are away. He noted that roof runoff had absorbed naturally into the sandy ground for 68 years without causing erosion. Additionally, Tidman asked to avoid replacing all the ground underneath the deck, offering instead to construct a gravel/crushed stone apron along the drip line to capture runoff, as specified in his DES shoreland permit.

The Planning Board agreed with Tidman's reasoning, deciding not to require gutters and instead establishing a condition that he install a crushed stone infiltration trench along the waterfront side of the deck (designed to accommodate 2 cubic feet of stone per linear foot). If there are any signs of erosion, Tidman is to add additional mitigation efforts.

Tidman confirmed that he would maintain the existing perennial gardens near the well—which already act as a natural retention and recharge area—and noted that the ground gently slopes down to the pond with solid ground cover. He also confirmed that the uncovered, permeable deck will provide a secondary emergency egress for the house via slider doors.

Tidman confirmed that a new septic holding tank was installed last year.

Gray motioned to adopt the following Findings of Fact. Piquette seconded. Motion passed unanimously.

Yes: 5 [Gray; Joslyn; Piquette; Yensan; Cesaitis]; No: 0; Abstained: 0

Findings of Fact:

1. The application for a conditional use permit was submitted by E. Charles Tidman and Tracy Mendes for a property located at Map 35, Lot 27 in the rural district (45 Pine Road).
2. The subject parcel is an undersized 0.18-acre lot.
3. The application is for a 263 square foot elevated deck within 70 feet of Scott Pond.
4. Scott Pond is a prime wetland requiring a 100-foot setback.
5. The case was referred to the Zoning Board of Adjustment (ZBA), who approved a variance for relief from the side and WPOD setback requirements (see Case #26-08).
6. Applicants went before the Conservation Commission, who provided comments, on August 18.
7. The deck will provide a second form of egress.
8. Applicant has obtained an approved NHDES Shoreland permit (#2026-01851).
9. The property has vegetated growth to the edge of the pond.
10. The property is gently sloped with a 3% grade to flat land at the pond edge.
11. There is a rain garden with perennial plants in between the proposed deck area and the pond.

12. Abutters were properly notified per application procedure, and no abutters or members of the public provided comment.

Conditional use approval may be granted by the Planning Board (RSA 674:21) provided that the proposed activity complies with all of the Wetlands Protection Overlay District criteria.

The Planning Board determined that the deck will be impervious with a crushed stone apron, which is designed to cause less run-off into the pond. It is also typical for waterfront properties to have rear decks. The Planning Board also found that the Applicant is removing one hazard by adding a second form of egress to the dwelling.

Criterion a. The activity is a productive and reasonable use of the land and is in compliance with the purpose of this section.

Criterion b. Design, construction and maintenance methods are established to minimize detrimental impacts to the wetlands and/or associated uplands, and restoration is provided for.

Criterion c. No reasonable alternative exists which would avoid wetlands alteration or lessen the impacts.

Criterion d. The use for which approval is sought is not feasible on a portion of the lot which is outside of the WPOD.

Criterion e. The design and construction of the proposed use will, to the extent possible, be consistent with the purpose and intent of this section.

Criterion f. The total area of the altered WPOD does not exceed the lesser of five thousand (5,000) square feet or ten percent (10%) of the WPOD on the property.

Criterion g. Best practices for work adjacent to a wetland are to be followed for construction.

Criterion h. The proposed use will not create a hazard to individual or public health, safety or welfare and will not diminish the wetlands values identified in Subsection A.

Piquette motioned that the application for Conditional Use for E. Charles Tidman III and Tracy Mendes to permit construction of a 263 square foot rear deck within the WPOD at 45 Pine Road, [Map 35, Lot 27 – Rural District] complies with the WPOD criteria. Joslyn seconded. Motioned passed unanimously.

Yes: 5 [Gray; Joslyn; Piquette; Yensan; Cesaitis]; No: 0; Abstained: 0

Conditions:

1. Compliance with NHDES Wetland Permit #2026-01851 dated July 21, 2026.
2. Install, at a minimum, a 2-square-foot per linear foot infiltration trench on the water side of the deck.
3. Must add additional erosion mitigation efforts if there are any signs of erosion or run-off into the pond.
4. Deck must remain uncovered (no roof) and permeable (minimum of ¼ inch space between boards) now and in the future.

Piquette motioned to approve the Conditional Use permit for E. Charles Tidman III and Tracy Mendes to permit construction of a 263 square foot rear deck within the WPOD at 45 Pine Road, [Map 35, Lot 27 – Rural District], subject to conditions. Cesaitis seconded. Motion passed unanimously.

Yes: 5 [Gray; Joslyn; Piquette; Yensan; Cesaitis]; No: 0; Abstained: 0

Therefore, the Fitzwilliam Planning Board voted to approve the Conditional Use Permit for E. Charles Tidman III and Tracy Mendes to permit construction of a 263 square foot rear deck within the WPOD at 45 Pine Road, [Map 35, Lot 27 – Rural District], subject to conditions.

NEW BUSINESS

Vendor Permit – The Planning Board discussed a vendor permit application for a food truck during a charity event on September 19. They were in agreement to permit the vendor. Gray then signed the application.

SWRPC Citizen Planner Roundtable – SWRPC will host the next citizen planner on September 29. The guest will be a representative from NHDOT.

REVIEW OF MINUTES

Gray motioned to approve the minutes of August 4, 2026 as written. Piquette seconded. Motion passed.

Yes: 3 [Gray; Piquette; Yensan]; No: 0; Abstained: 2 [Joslyn; Cesaitis]

WORKING SESSION

The Planning Board reviewed Chapter 127-9, 10, 11, and 12 - Permitted Use Definitions

- The LUC was asked to put together some bullet points about how other communities' regulation data centers.
- Made definitions updates to:
 - Lodge or Club
 - Lodging House or Boarding House – need to research difference between roommates vs boarding house.
 - Mobile Food Vendor
 - On-Farm Value-Add Processing
 - Parking Facility
 - Recreational Campground/Camping Park
 - U-Pick Operations
 - Veterinary Care
 - Warehouse
- Made updates to where the use is allowed to:
 - Dwelling Conversions
 - Two-Family (Duplex) Dwelling
 - Lodge or Club
 - Mobile Food Vendor
 - Recreation/Entertainment Facility – Indoor and Outdoor
 - Restaurant
 - Self-storage Facility
 - Veterinary Care
- Deleted Wholesale Storage as the Planning Board determined it was not needed.

With no further business to discuss, **Joslyn motioned to adjourn the meeting. Yensan seconded. Motion passed unanimously.**

Yes: 5 [Gray; Joslyn; Piquette; Yensan; Cesaitis]; No: 0; Abstained: 0

The meeting was adjourned at 9:19 pm.

Respectfully Submitted,
Lori Nolan
Land Use Coordinator

Minutes approved as written on September 15, 2026.