

**TOWN OF BARTLETT PLANNING BOARD
WORK SESSION**

November 21, 2017

Members Present: Chairman Philip Franklin; David L. Patch; David A. Patch; David Shedd; Peter Gagne; Scott Grant; Kevin Bennett. **Members Absent:** None.

Also present: Burke York of York Land Services; Robert Tafuto of Ammonoosuc Survey; Sheila Duane; Bob Holmes; Ed O'Neil; Norman Head.

The meeting was opened at 6:00 pm by Chairman Philip Franklin, who reviewed the agenda.

1. Continuation/Final Approval: AMSCO, Cobb Farm and Stanton Farm Roads. File: 2017-1236.
Application to subdivide 73± acres of land into seven lots. Tax Map 5COBRD, Lot 045RW0.

The Chairman noted this application had been through a public hearing last meeting. He asked whether the board had any further questions. With none, he called for a motion to approve. Motion made by Scott Grant; seconded by David Shedd. Vote: 6-0-1, with David A. Patch abstaining since he had not been present at the public hearing. A mylar was provided for recording, which the Chairman signed after the meeting.

2. Discussion with Ammonoosuc Survey Co. re driveway location at O'Neil subdivision on Washington Avenue. Tax Map 11NTPK, Lot WASXX1 .

Bob Tafuto of Ammonoosuc Survey and property owner Ed O'Neil were before the board to discuss the relocation of a driveway on Mr. O'Neil's PUD subdivision on Washington Avenue. Mr. Tafuto said when Unit 2 was being built, the contractor had moved its location from that shown on the original plan, which resulted in the driveway to Unit 1, which was located above Unit 2, being blocked. Mr. Tafuto said he was here tonight to discuss the situation with the board and provided two plans; one showing the original driveway location, and one showing a new driveway to Unit 2 marked as "proposed". Mr. Tafuto said Unit 2 was partially constructed, and that its new location was a better fit since there was less runoff into the wetlands, which DES liked to see, and it was 20-30 feet further away from the neighbor. He said he had spoken to the selectmen, who had indicated they were not opposed to both units sharing a single driveway instead of there being two separate driveway cuts out onto Washington Avenue. The board reviewed the plan provided by Mr. Tafuto, and David L. Patch felt it would be safer and cleaner to have only one driveway instead of two. Peter Gagne agreed. The Chairman asked about the sight distance along Washington Avenue from the driveway entrance which Mr. Tafuto assured him was adequate, noting a left-hand turn would rarely be taken from the property. The Chairman also asked why the selectmen had sent the issue to the planning board. Mr. Tafuto said because the driveway location had changed from the original plan and the original building permit for Unit 2 had expired, they just wanted the planning board's input before issuing a new one so the building could be finished.

Once it was decided that the two units would share a drive, Mr. Tafuto indicated an area between the road and the septic which he felt would be the best location for the driveway to veer off to enter Unit 2. The board had no problem with the proposed location and the Chairman asked if there was a motion that the board was in agreement that the driveway to Unit 2 shown as "proposed" on the plan be eliminated, and for both units to share a single drive. Motion was made by David Shedd; seconded by Scott Grant. Vote: All in favor. Before Mr. Tafuto left, David Shedd asked him had this been four houses, would he have had to build a road to town specs, even though it is a PUD. Mr. Tafuto said, to his thinking, that was a question which wasn't very clear in the subdivision regulations. He said he had seen places where a driveway came in and there were six units with a parking lot that wasn't really up to town specs. Mr. Shedd asked whether the roads in Beechwoods were built to town standards. Mr. Tafuto said they were.

3. Follow-up discussion with Burke York re Tsoules property: Mr. York provided a revised plan showing the latest concept for Mr. Tsoules' property on the corner of Route 16/302 and Town Hall Road, which the board reviewed. He also provided a letter which addressed some of the questions asked at the last meeting and provided clearer suggestions as to what questions need to be asked of the Municipal Association.

Mr. York reiterated his understanding of the discussion at the last meeting, saying one of the things that was agreed on was that an exclusive-use area in a PUD can be any shape and did not have to be an outline around the building. The revised plan showed two individual exclusive-use areas with two primary structures. Mr. York said one of the difficulties he had encountered working on this project was that the zoning ordinance did not specifically state how

many primary structures could be located on a commercial PUD lot. He further cited the definition of a lot in the zoning ordinance, which stated three dwelling units could be served by a single driveway, but that did not include zero lot line lots or similar forms of individual lot ownership, i.e., within a planned unit or cluster development. Mr. York said that is what this project is, and asked how many structures could be on a driveway in a commercial PUD? He felt that four was not an unreasonable number, but said that was up to the board to decide, especially since there was no regulation saying there could not be four. David Shedd noted we have a definition for the number of dwellings on a driveway and short of not having language for a commercial use, and until that could be resolved, asked why wouldn't we fall back on the residential standards. Mr. York again said that was up to the board. Mr. Shedd asked about the driveway marked "proposed" shown on the plan. Mr. York said that was discussed last meeting and described how an existing paved driveway came off Town Hall Road and served the museum and the mini golf. Then, immediately as the drive came off Town Hall Road is the access to exclusive-use areas A and B on the Tsoules lot.

The Chairman asked whether Mr. York was saying the driveway marked as "proposed" would be another driveway next to the existing one. Mr. York there was a line of trees in the greenspace which acted as a buffer, so it really wasn't a big deal, and added that the Tsoules lot was a separate lot from the museum and mini golf which just happened to run parallel to each other. He said Mr. Tsoules' lot did not have a deeded access across the other two lots so he was limited as to where he could go. David A. Patch queried that, and Mr. York said that was his take on it after reading the deeds. After further discussing the situation, the board decided to wait until making any further decisions until hearing from the Municipal Association.

5. Review and Approve Minutes: The minutes of the November 6 meeting were not ready for review.

6. Continuation/Final Approval: Attitash Mountain Service Co., (AMSCO), Block G, Stillings Grant: File: 2013-1187. This is an application to reconvene review of a continued application to subdivide Block G into 40 residential units. Tax Map 5STLNG, Lot G00.

This application has been continued indefinitely until a review by the town engineer review is completed..

7. Discussion on Zoning Amendments: The Chairman opened a discussion on possible zoning amendments and asked if there were any items the board would like considered. David Shedd felt we needed to look at frontage and road standards for PUDs. He said he had a hard time understanding why a project such as Beechwoods was required to build a road to town standards, while other projects, such as Mr. Tsoules', did not just because it was called a PUD and zoning apparently did not address it. Mr. Shedd was reminded the Beechwoods project was residential, while Tsoules was commercial. The Chairman recalled we were going to look into something to require developers to maintain the minimum road frontage all the way into the lot, particularly when the frontage was satisfied by so-called "spaghetti" or "finger" shaped lots. David A. Patch said his initial thought would be wording something along the lines of, "the minimum frontage shall be maintained the entire depth of the lot." Peter Gagne would like to see incentives offered to encourage affordable housing such as reducing density and septic standards, or a tax break. While the board agreed there was a need for affordable housing, several members indicated they would not be willing to compromise the town's septic standards as part of those incentives. David Shedd noted last year we had made ADUs more family-friendly by increasing the number of allowed bedrooms and suggested we give them a chance to have an effect on the housing shortage. Norman Head asked if he could make a suggestion. When told he could do so, Mr. Head said if a lot had frontage on a town road but also had access from a private road, that the driveway should come off the town road and not the private one. It was noted this is something Gene Chandler would like to see happen, based on a recent subdivision the planning board approved whereby a corner lot had frontage on both a town road and a private road. Since the lot had the required 50-ft. frontage on a town road, the board had permitted the homeowner to keep his existing driveway off the private road. David Shedd expressed he felt this had been an appropriate decision for the board to make. David L. Patch disagreed that driveways should have to come off a town road, saying it was the lot that was served by a town road and the house that was served by the driveway. It shouldn't matter where the driveway was located so long as the lot had frontage on a town road. He further said that zoning, by definition, takes away enough rights of the individual and he did not like to see more rights taken away when it wasn't strictly necessary. He defended the rights of townsfolk by saying sometimes their land is the only asset they

have, and imposing a requirement such as Mr. Head suggested could make their land unusable. Mr. Head responded that Mr. Patch was assuming that every block of land in town was buildable. Mr. Patch agreed some lots probably weren't buildable, but he felt people should be able to develop and use their land to its fullest capacity so long as it complied with the restrictions of the zoning ordinance.

8. Mail and Other Business:

- A letter from Sean Shannon of Perm-a-Pave in Albany regarding his proposed purchase of Bob Holmes' Glen Sand and Gravel pit on Route 302 was reviewed. Mr. Shannon was asking for a letter from the planning board confirming what he had been told at a prior meeting. Particular items addressed in Mr. Shannon's letter were verification that the pit's grandfathered protection would remain in-place after the purchase and that a reclamation plan and bond would not be required since one had not been required of Mr. Holmes. David Shedd said he was not saying a bond should be in place, but objected to the idea that someone is going to make us put in writing that we can never do it. He asked why would we want to sign our rights away like that? David L. Patch said he wasn't entirely sure we had that right on a grandfathered pit, which is why he would like to talk to Mary Pinkham-Langer. He said we can't change the conditions on a grandfathered piece of property and if there was no performance bond in-place at the time of grandfathering, that we can't go backwards and change the conditions now. Peter Gagne said his understanding was that the property was grandfathered as a gravel operation forever, but felt that a change in ownership should allow the board to require a reclamation plan or a bond. David L. Patch said it was the property and the use that was grandfathered, not the individual. He added that grandfathering wasn't something developed by the town, but was a federal law. The Chairman agreed with David Shedd that signing anything away would be a mistake on the board's part and felt we should ask the opinion of Mary Pinkham-Langer. Peter Gagne asked property owner Bob Holmes how much frontage his property had on Route 302. Mr. Holmes said he thought it was about seventy-eight to eighty feet, but it was certainly under a hundred feet.
- The board reviewed a copy of a letter the selectmen had sent to WKJ Realty Trust (Doc Gilmore) regarding a request to add a fifth bedroom to property located at 16 Pear Forest Road and identified as Tax Map 1RT16, Lot 263LOC. Selectmen's representative David A. Patch said the secretary had pulled the original subdivision plan, which he had viewed, which showed this particular lot was over 5-acres in size and had been approved for up to seven bedrooms by the planning board. He said a new septic design would need to be submitted to DES since the current septic approval was only for four bedrooms. Mr. Patch said he will convey the information that the lot was approved for seven bedrooms to the selectmen.
- The Chairman advised he would not be available for the December 19 work session. Peter Gagne advised he would not be available for the December 4 public hearing and possibly the December 19 work session as well.
- To accommodate the New Year's Day holiday, a motion was made by David L. Patch; seconded by David A. Patch to hold the January 2018 public hearing on Wednesday, January 3. Vote: All in favor.

With no further business, a motion to adjourn was made by Scott Grant; seconded by David Shedd. Vote: All in favor. The meeting adjourned at 7:52 pm.

Respectfully submitted,
Barbara Bush
Recording Secretary