

**TOWN OF BARTLETT PLANNING BOARD
WORK SESSION**

September 19, 2017

Members Present: Chairman Philip Franklin; David A. Patch; David Shedd; Peter Gagne; Scott Grant; Kevin Bennett. **Members Absent:** David L. Patch.

Also present: Mark Lucy of White Mountain Survey Co. and Eric Dziejczak of Story Land.

The meeting was opened at 6:00 pm by Chairman Philip Franklin, who reviewed the agenda. Since nobody was present to represent Item 1, a motion was made by David A. Patch; seconded by Scott Grant to proceed to Item 2 on the agenda, since representatives for Item 2 were waiting in the audience. Vote: All in favor.

2. Site Plan Review determination: Festival Fun Parks, LLC dba Story Land. File: 2017-1234. This is a request for a determination as to whether site plan review will be required to convert the former Heritage NH building into an aquarium.

Mark Lucy and Eric Dziejczak presented. Mr. Lucy provided a copy of a letter from his firm which identified the locations of existing sewage disposal areas on the lot. The letter also contained information on the property's soil types and their boundaries, and other data including calculations which showed the effluent capacity of the total lot. Also provided was a spreadsheet documenting the parcel's approved and operational effluent disposal systems. Mr. Lucy said over the years the systems had been upgraded and replaced, but the spreadsheet depicted their status as of September 15, 2017. The information contained in the spreadsheet identified the location of each septic system, its DES approval number, the design flow in gpd, and the status of each system, i.e., whether it was a stand-alone system or whether it was connected to one of the three large drywell systems located under the parking lot. Mr. Lucy said additional capacity consisting of a few more thousand gpd, had been approved at the DES level but had yet to be connected to any of the existing systems. Mr. Lucy also provided a plan showing the distances from the centerline of NH Route 16 to the closest points of the existing Heritage building and the addition which was being proposed to accommodate the aquarium. On a presentation easel, Mr. Lucy additionally provided a color rendering of the proposed aquarium which showed the exterior architectural details.

Mr. Lucy gave the board time to read the information provided, and then summarized and explained it for a clearer understanding. He advised Story Land's total allowable lot loading capacity was 82,270 gpd, based on our current zoning requirements and that the total seasonal flow, based on existing operations, was 32,512 gpd. Of these figures, the existing septic system serving the former Heritage building had a capacity of 5,225 gpd. Mr. Lucy said Festival Fun Parks had determined that the peak daily patronage for the aquarium would be 450 guests. Using NHDES figures, he said the transient use was calculated at 5 gpd/guest, kitchen waste was calculated at 3 gpd per meal served at a paper-service cafe, and employee use was calculated at 20 gpd/person. These figures translated into a proposed daily use of 3,800 gpd, which he noted was below the system's design capacity of 5,225 gpd.

David A. Patch asked whether the seasonal flow figure of 32,512 gpd was based on Bartlett's regulations, or the state's. Mr. Lucy said it was based on Bartlett's zoning ordinance Article VIII. The state would allow 33% more, which included the 25% reduction required by Bartlett. Mr. Lucy advised that since the late 1990s, Story Land personnel, in collaboration with White Mountain Survey, had compiled very detailed records which included daily meter readings of the water going into every building that had water usage. Mr. Lucy said this detailed data was used to ensure that the actual distribution was correct throughout the site. For example, if the figures identified any one septic system as getting repeatedly overloaded, remediation steps would be implemented by diverting the flow, increasing the leaching area, or reducing the water usage.

Mr. Lucy then spoke specifically about the septic system serving the former Heritage building. He said the system was approved by DES in 1974 for 5,225 gallons per day. The proposed rehab of the building was looking at a use of 3,800 gpd, which shows the existing leachfield dedicated to Heritage is adequate for what is being proposed. The Chairman asked whether there was any data available which documented Heritage's prior use over the years. Mr. Lucy said there was not. He advised he had consulted with Dawn Buker, the supervisor of the design review section for septic systems at NHDES, in regards to the Heritage system. He said after soil

testing was performed next week, they may opt to replace the vintage leachfield and tank arrangement to bring the system up to present-day standards. Mr. Lucy said he was 95% sure that would happen. He noted Ms. Buker had approved of the upgrade, so long as soil testing was done, nitrate setbacks were complied with, and a new system was filed for. Peter Gagne said he assumed septic guidelines had changed since 1976, and asked whether the old system was grandfathered and whether DES was requiring it to be upgraded due to its age and extended period of non-use. Mr. Lucy agreed regulations had changed, but said DES was not requiring replacement; in fact, they had given permission for the system to be reused. Mr. Lucy acknowledged the tank sizes may need to be adjusted, and the inlet and outlet baffles would need to be adjusted on the septic tanks, but that the field areas themselves are adequate for today's usage.

David A. Patch had several questions for Mr. Lucy, one of which was to verify that the 5,225 gpd he quoted was based on DES figures, noting that the town would only allow 3,918 gpd, since current town figures would have to be used in the calculations. Mr. Lucy said Mr. Patch was correct that town figures would be used, but reminded him that the Heritage system was included in the overall property which had a capacity of 82,270 gpd. He assured Mr. Patch that if the system was replaced, it would meet all town, local, county, and state standards. Mr. Patch asked for further assurance from Mr. Lucy that the Heritage system would not be knowingly overloaded, which Mr. Lucy again confirmed would not happen. Mr. Patch lastly asked about the configuration of the lots at Story Land. Mr. Lucy said the property now contained seven merged lots for a total area of 102 acres. David Shedd pressed the question further by asking what else was located on the lot same lot as Heritage. Mr. Lucy explained that the lot which contains 102 acres is identified as Tax Map 2RT016, Lot 092R00, and would be described as the park itself. The corporation also owns several surrounding lots, but the Heritage building is located on the same lot as Linderhof, workforce housing, foreign exchange students, workcampers, and the Story Land park itself. David A. Patch noted that Heritage and the park couldn't share parking unless they were situated on the same lot. David Shedd asked again whether Heritage was on its own separate lot. Mr. Lucy confirmed that it was not.

Before addressing the issue of parking, Mr. Lucy answered several incidental questions from board members. Peter Gagne, saying he was trying to get his head around the numbers, asked whether visitors to Story Land could eat at the aquarium café, and followed-up by asking how many people visited the park on a daily basis. Eric Dziejczak responded that Story Land patrons would be able to eat at the café, and while he didn't have definite visitor numbers he said they had never exceeded seven thousand on their busiest day. The Chairman asked if the Heritage septic system was to be replaced, would it be built in the same location. Mr. Lucy said it would be built in the same vicinity between the building and Route 16, but not necessarily in the exact same location. He noted a new septic would have more efficient and smaller components than what was available back in 1974, so any new system would have a smaller footprint. Mr. Lucy said in an effort to preserve the existing leachfields on the off-chance that they will be reused and to avoid disrupting the field, test pitting will be done on the four corners of the front lawn. The Chairman asked test pit inspector David Shedd whether he would be involved. Mr. Shedd said he and wetlands scientist Greg Howard would be there.

The issue of parking was next addressed by Mr. Lucy. He said there was a total of 1,728 vehicle spaces available on the Story Land lot, which did not include parking on the other side of Route 16. The aquarium will be of a similar nature and use as the former Heritage was, and will share the same parking field as was formerly used. Mr. Lucy said it was conceivable that the aquarium could require 150 parking spaces at one time, but said it was more-than-likely that a single vehicle would not occupy a single space for the entire day, which would leave the space available for other guests during other times of the day.

After an extensive discussion addressing septic and parking requirements, Mr. Lucy directed the board's attention to a colored sketch on an easel which represented how the exterior of the aquarium would look. Mr. Lucy described the old Heritage building as being a legal non-conforming structure, not because of any setback deficiencies but due to its size. He said he had submitted a ZBA variance application for this issue. He advised he had measured the building's front setbacks and found they were in compliance with our zoning ordinance. The existing building's closest point to the centerline of Route 16 was 149-ft., and the proposed extension's closest point was 142.5-ft., both of which were well within the 115-ft. required for commercial use.

Mr. Lucy said the front of the existing building would receive a facelift, while the back would stay the same. The illustration depicted a building sheathed in aquatic colors with a wave motif along the back and side. The Chairman asked where mechanical equipment such as air-conditioning would be located, whether it would be visible to the public, and inquired about the building's ADA compliancy. Mr. Lucy advised the mechanical equipment would be in the back and north areas of the building, hidden by vegetation and not visible from the road. Propane storage tanks would be buried, if possible, and if that was not feasible due to the groundwater table they would be screened from view. Mr. Lucy said, to his recollection, there were seven ADA-accessible points of entry. David A. Patch asked about the height of the renovated structure. Mr. Lucy said nothing being proposed was higher than what was already existing, and nothing exceeded the allowable height limit of 38-ft. Scott Grant asked whether the aquarium tanks would be saltwater and whether the water would need to be changed. If it did, would it be going into the septic system or groundwater. Mr. Dziedzic said they were saltwater tanks and when the tank water was refreshed, the old brine water would be stored in tanks and allowed to evaporate. It would not enter the septic systems or groundwater. When asked, he said he was not sure what would happen to the residual salt leftover from the evaporation process. Peter Gagne asked whether the aquarium would operate on a seasonal or year-round basis. Mr. Dziedzic said it would be open year-round.

At this point, the Chairman asked whether the board felt site plan review should be required. David Shedd indicated he would be uncomfortable making that decision at this time since a lot of information had been provided tonight and he would like more time to review and understand it. He said he would especially like to know what was on which lot in terms of the septic systems. The Chairman agreed that the board had listened to a lot of comprehensive information tonight, which he felt addressed the criteria which would be given consideration under site plan review. He wondered whether requiring the applicants to come back for site plan review and repeating tonight's presentation would gain any further information. Peter Gagne said he was all-for this project, but noted that it was a big change in that it was going from a seasonal to a year-round operation. He also noted that site plan review would involve abutter and public notification, which tonight's meeting did not require since it was not a public hearing. He said he would not like to see the project challenged at some later date. Mark Lucy said he recognized that this was a change to a landmark, but the project was well within the use that was there previously, being that the whole area is an amusement park. He said he hoped the board could come to the consensus that to require site plan review would be more of a formality than anything else, given all the items addressed tonight. In addition, the applicant still had to get through the building permit and ZBA process. The Chairman read the activities which may trigger site plan review. Scott Grant and Peter Gagne felt it was the external modifications to the building which may justify imposing it. David Shedd asked Mr. Lucy whether he would come back to the board should the plans change in any way. Mr. Lucy said he would do that. After further discussion, a motion was eventually made by Scott Grant; seconded by Kevin Bennett that site plan review would not be required. Vote: 4-2-0, with David Shedd and Peter Gagne voting in the negative. The selectmen will be advised of the board's decision.

David Shedd left the meeting at 7:20 pm.

1. Continuation/Final Approval: James & Susan Tuttle, 216 Town Hall Road. File: 2017-1233. This is an application to subdivide a 6.49-acre parcel into three lots containing 3.48, 1.65, and 1.36 acres respectively. The property is identified as Tax Map 1TOWNH-1, Lot 134R02.

Since nobody was in attendance to speak to this application, and since outstanding items had been identified at the previous meeting, the Chairman asked whether the application should be granted conditional approval with conditions, or continued to the October 2 public hearing. Motion made by Scott Grant; seconded by David A. Patch to continue the application to the October 2 meeting. Vote: All in favor. David A. Patch noted he had not been present at the public hearing, but said he did not feel he could vote to approve the application, as presented, based on the narrowed area of Lot A. He felt the 50-ft. road frontage width should be maintained all the way through to the main portion of the lot. While this is not specifically required by the zoning ordinance, Mr. Patch said he believed it was the intent.

3. Pre-application review: Lloyd A. Drew, NH Route 16. File: 2017-1232. This is an application for a boundary-line adjustment to convey 0.89-acres of land from Tax Map 1RT16, Lot 105L03 to Lot 105L04. Both parcels are owned by Mr. Drew.

The board briefly reviewed the plan provided by York Land Services. It appeared the adjustment was being made to allow a proposed salt shed to be located on a particular parcel of land, which was possibly being done to appease the Lower Bartlett Water Precinct. It was noted an existing storage shed now violated setbacks due to the boundary being adjusted, but a note on the plan also indicated the building was going to be relocated. Peter Gagne pointed-out the new boundary cut through the existing parking lot. David A. Patch said the parking lot had been there long before zoning and that the boundary had always bisected it, and noted at least this adjustment made it a little more-conforming. The application will be formally presented at the October 2 public hearing, at which time more information will be available.

4. 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.

5. Review and Approve Minutes: The minutes of the September 6 meeting were reviewed. A motion was made by Scott Grant; seconded by Kevin Bennett to approve the minutes as written. Vote: 5-0-1, with David A. Patch abstaining since he had not attended the meeting.

6. Mail and Other Business:

- Peter Gagne said he felt the board should look into changing the zoning ordinance to formalize that any 50-ft. road frontage should be maintained all the way through to the main portion of the parcel.

With no further business, a motion to adjourn was made by Scott Grant; seconded by Peter Gagne. Vote: All in favor. The meeting adjourned at 7:35 pm.

Respectfully submitted,
Barbara Bush
Recording Secretary