

**TOWN OF BARTLETT PLANNING BOARD
WORK SESSION**

December 20, 2016

Members Present: Chairman Philip Franklin; David L. Patch; David A. Patch; Richard Stimpson; Scott Grant; Peter Gagne. **Members Absent:** David Shedd (with notice).

Also in attendance: Norman Head.

The meeting was opened at 6:05 pm by Chairman Philip Franklin, who reviewed the agenda.

1. Continuation/Final Approval: John J. McInerney, Jr. Revocable Trust and Robert Ferguson, West Ledge Road. File: 2016-1222. This is an application to subdivide a 198±-acre parcel of land into two lots containing 158± and 40.01 acres respectively. Tax Map 2GLENL, Lot 69-B00.

The application had been through a public hearing at the last meeting. The Chairman asked whether the board had any questions or concerns. With none, he called for a motion to approve the two-lot subdivision. Motion made by David L. Patch; seconded by Rich Stimpson. Vote: 4-0-2, with David A. Patch and Scott Grant abstaining since they were abutters.

2. 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.

No action taken on this application since the plans are still in the process of being reviewed by the town engineer. The application has been continued indefinitely until the review had been completed.

3. Review and Approve Minutes: The board reviewed the minutes of the December 5, 2016 meeting. The Chairman requested the last bullet under Other Business reflect that David A. Patch had requested the agenda be posted to the website prior to every meeting. Under Item 4, Zoning Amendments, Mr. Patch asked that the sentence stating the selectmen's office did not support detached Accessory Dwelling Units be revised by adding a statement saying that he did not agree with this position. He said while he believed Selectman Hebert had not expressed a strong opinion either way, he had not voted to allow them. Motion to approve the December 5, 2016 minutes, as revised, was made by Scott Grant; seconded by David L. Patch. Vote: All in favor.

4. Zoning Ordinance amendments: The Chairman noted that everybody had been given a letter from the selectmen which expressed their position on the proposed zoning amendments, specifically Accessory Dwelling Units. The Chairman summarized the letter as asking that the board fine-tune or reconsider its position on several items, including requiring that one of the units be the principal residence and legal domicile of the property owner; require that the ADU be attached to the primary dwelling unit; have ADUs approved by Special Exception; and limit the size of the ADU and the number of bedrooms. The Chairman addressed each item separately, and noted the board had already limited the number of bedrooms to two, and had imposed a maximum size of 800 sf. He asked selectmen's representative David A. Patch the reason for wanting an ADU to go through the ZBA Special Exception process. Mr. Patch said it was probably to allow abutter input. When the Chairman asked if it would give the selectmen more enforcement power, Mr. Patch said it really would not, since anything that did not comply would be denied when a building permit was applied for which would then enable the applicant to go to the ZBA.

The Chairman then addressed the article pertaining to attached/detached ADUs. He read the definition of an ADU from our current zoning ordinance which stated detached units were permitted, and noted the new amendment did not change the intent of what had already been voted on in 2011. He then read the boiler-plate language provided by the New Hampshire Municipal Association which was designed to bring towns whose zoning ordinance was silent on ADUs into basic compliance with newly-adopted RSA 674:71 to :73. While this language dealt primarily with attached ADUs, it did not prevent towns from allowing detached units if they so desired.

The issue of whether one of the units should be the primary residence and legal domicile of the property owner was discussed in depth and at length. The language which is currently being proposed states that one of the units must be owner-occupied. Implementing the term “principal residence and legal domicile” would mean that only full-time Bartlett residents would be permitted to have an ADU, while the term “owner occupied” would allow all homeowners, whether full-time residents or second homeowners, to have one. It was noted the board had previously decided that only one of the units, either the primary or the ADU, could be rented out and the wording of the amendment will be revised by adding language to make this restriction very clear. The Chairman indicated he was having reservations about requiring the units to be only “owner occupied,” saying he felt that term was too loose and could provide an opportunity for people to not follow the rules, i.e., to quietly rent out the second unit. David L. Patch agreed a few people may attempt to break the rules and then provided a hypothetical situation whereby someone from out-of-town who owned a five-bedroom home in town could legally rent that home out at the moment and put a ton of people in it. He felt the fact that language had been added stipulating that only one unit could be rented was quite a restriction in itself and could possibly be construed as taking people’s rights away. Other members agreed that since out-of-towners paid the same taxes as local folk did, that it was not fair or right to discriminate against them by prohibiting them the same use of their property. The board also felt that septic requirements would play a big role in limiting ADUs, particularly in the village.

The Chairman then read a portion of the selectmen’s letter which said “Adoption of anything other than this finely tuned amendment has the potential of disrupting, or one might even say destroy, the Town of Bartlett as we know it.” The “finely tuned amendment” referred to was the Municipal Association language. The board did not share those predictions, especially considering the only change being made to the now-existing definition of an ADU was to add a state-mandated second bedroom, and to add a size limit of 800 sf. However, since the selectmen had made a statement, the members expressed a willingness to listen to any explanation they may have as to why they felt as they did. The Chairman issued an invitation to all three selectmen to attend the public hearing on January 4, 2017 where the issue could be discussed. Should major changes occur as the result public input at the hearing, the Chairman verified there was adequate time to hold a second hearing should the need arise.

The board continued to discuss several other issues. Peter Gagne asked whether parking should be addressed, but it was felt this was a homeowner’s responsibility and the ordinance already addressed parking requirements for residential use. Norman Head was asked whether he felt ADUs would alleviate the shortage of affordable workforce housing, and he indicated that it could possibly help. One item the board agreed on was that it would probably be difficult to enforce the regulation that only one unit was to be rented. At this point, the Chairman indicated that the ADU situation had been talked about for forty-five minutes, and summarized where he believed the board now stood on the proposed amendments. While admitting he did not necessarily agree, he said it appeared the majority of the board wanted the term “owner occupied” to remain, and that a statement would be added saying that only one of the two units could be rented. He described this statement as a “middle ground” that says it can’t be a “free-for-all” with rentals. It was also decided detached units would still be allowed and that a building permit would suffice instead of making people go through the process of applying to the ZBA for a special exception.

5. Mail and Other Business:

- A letter from AMSCO requesting to be put on the January agenda for site plan review determination was discussed. AMSCO are proposing to expand their maintenance building at Attitash Mountain Village. The building is located on its own lot and since the total square footage of the expanded building will be less than 5,000 sf, site plan review is not required. AMSCO will be informed of this, but will be put on the agenda if they still want to come in.
- Scott Grant asked whether the zoning amendment should identify board members by name who voted in the negative against any of the amendments. It was decided that just showing the result of the vote would be sufficient, as the vote was taken at an open public hearing and the name of any dissenting voter was also documented in the minutes.

With no further business, a motion to adjourn was made by Scott Grant; seconded by David L. Patch. Vote: All in favor. The meeting adjourned at 7:08 p.m.

Respectfully submitted,
Barbara Bush, Recording Secretary