

**TOWN OF BARTLETT PLANNING BOARD
WORK SESSION**

June 21, 2016

Members Present: Philip Franklin; David L. Patch; David Shedd; David A. Patch; Richard Stimpson; Scott Grant; Peter Gagne. **Members Absent:** None

Also present: Michael Horrigan, President of Beechwoods Homeowner's Association; Wes Smith of Thorne Surveys; Roger Lemay; Norman Head.

The meeting was opened at 6:00 pm by Chairman Philip Franklin, who briefly reviewed the agenda. David Shedd suggested that Item 1 be moved to the end of the agenda since people were waiting in the audience to speak on Items 2 and 3. This was agreed to.

2. Informal discussion with Michael Horrigan, Beechwoods Homeowner's Association: Mr. Horrigan introduced himself by saying he was the president of the Beechwoods Homeowner's Association. He described how the original owner of the development had gone bankrupt in 2007, leaving the association with a lot of issues to clean-up. Mr. Horrigan said this is one of the latest of those issues. He explained how the original plans for the Beechwoods Phase II development showed three home lots identified as Lots 22, 23, and 24. During design of a septic system by David Douglass of Thorne Surveys, it was discovered that the area originally set aside for those three homes could not support that number due to there not being enough area to satisfy septic setbacks and other requirements. To remedy the situation, the owner of Lots 22 and 23, Greg Grinnell, offered to give-up one of his lots in exchange for a replacement lot taken from association land. The lot relinquished by Mr. Grinnell would provide enough area for the design of a 6-bedroom septic system which would be shared by Lots 22 and 24 to support two 3-bedroom homes. Mr. Horrigan said a promising area for the replacement lot had been identified by David Douglass, but whether it was a suitable area still needed to be verified by conducting a survey and test pits, etc. After explaining what was being proposed, Mr. Horrigan said he was asking what steps he needed to take to make it happen.

Peter Gagne asked whether Lots 22, 23, and 24 were all approved lots. Mr. Horrigan said they were all approved PUD lots. David Shedd noted Mr. Horrigan was describing these as PUDs, but was also calling them lots. Mr. Horrigan explained the definition of a lot, legally, is the footprint of the house. The PUD development consisted of defined areas set aside as "building envelopes" which were recorded at the Registry of Deeds. The homeowners had exclusive-use rights to a 30-ft. buffer around their home, with the rest of the land in the development being owned by the Beechwoods Homeowners Association. Mr. Horrigan also advised that Phase III of the development was not going to happen. David Shedd asked whether it had been phased-out legally, or whether it was just something the association felt was a good idea. Mr. Horrigan said the association felt that moving ahead with Phase III was simply not feasible at this time. Mr. Shedd asked whether the association would be willing to agree to formally designate the Phase III land as being not developable. Mr. Horrigan said he would need to consult with his counsel, Ken Cargill, to see what the legalities and authority of the board of directors were before making that decision. He said the board's current thinking was that they may sell the land.

The Chairman brought the discussion back to the issue at hand and said he believed what Mr. Horrigan needed to do was to submit an amendment to his subdivision plan. He noted there would be no change to the density or septic as all that is happening is that they want to build a house in what is an approved building area. The plan would be amended to show that Lots 22 and 24 would share a septic in what was originally Lot 23, and Lot 23 would be moved to a new location. This new location would be contingent on testing and surveying being done. David Shedd asked whether the proposed area for Lot 23 was located in Phase II or Phase III of the development. Mr. Horrigan said that was a good question and that he will have to check where Phase II ends. David L. Patch said this was a unique situation which appeared to have no other solution, and suggested if the new location of Lot 23 did encroach into Phase III, that a note could be added to the plan saying that allowing it to be used in no way allows for the expansion of Phase III to occur. Mr. Horrigan agreed that could be part of the amendment. He was asked whether there was some sort of formal documentation in-place between the involved parties whereby they were agreeable to the proposal of sharing a septic. Mr. Horrigan said there was. He added that Paul Pagliarulo, the owner of Lot 24, had been the first person offered the opportunity to move to the new lot, but he had declined saying he preferred to stay where he was. Mr. Horrigan said he would engage Ammonoosuc Survey to draw-up the amended plan since they were the company who had prepared the original plans. David Shedd wondered whether Ammonoosuc should come in and speak to the board relevant to questions Mr. Horrigan was unable to answer. David L. Patch said as far as he was concerned, Ammonoosuc could just go ahead and start on the plans. On another note, Mr. Horrigan advised he had attended the selectmen's meeting last night at which time they indicated there may be the need for a cul-de-sac near the new location for Lot 23. He said there was an area of pavement which may suffice for a cul-de-sac; however, selectmen's representative David A. Patch advised the area may not be the right shape.

3. Discussion with Roger Lemay, Range View Cabins: Wes Smith of Thorne Surveys and property owner Roger Lemay were present. The Chairman noted this was a property on Route 302 where a voluntary merger of two lots and a subsequent 3-unit subdivision of the merged parcel were recently approved by the planning board. Mr. Smith said he was now seeking the board's advice after a building permit submitted for the construction of Unit 3 had been denied by the selectmen's office because they did not like the approved driveway permit recently issued by the state. After being informed of the selectmen's concern, Mr. Smith said he contacted the NHDOT to try to have the permit amended. After initially being told by DOT personnel that the permit could be amended, the state then reneged on that statement and advised Mr. Smith that his request had raised red flags, primarily because there was not a 200-ft. distance between the two driveways. He said the state's preference was to now have a single 24-ft. wide driveway serving all three units. Mr. Smith said while the lot was wide enough to relocate the drives and space them 200-ft. apart, it would result in them being in extremely close proximity to the driveways on the neighboring properties. He further advised that none of the driveways in that area of Route 302 were 200-ft. apart. The board noted the lot merger and 3-lot subdivision had been approved for this property last month when the applicant presented with state-approved driveway, subdivision, and septic approvals all in-place. Additionally, the DOT had promised that both driveways, one on each lot, could remain in place once the two lots were merged. Mr. Smith admitted he was at a loss to know what had influenced the DOT to change its mind.

David L. Patch suggested Mr. Smith contact the DOT again and inform them that the town does not allow three units on a single driveway. Mr. Smith said he had already done that and it had no impact. Mr. Smith was asked what issues the selectmen had with the driveway permit to cause them to deny the building permit. Mr. Smith said he thought it was because the selectmen felt the permit didn't say the driveway was approved to serve two dwelling units, despite the fact that it clearly states, "This permit authorizes a gravel access to be used as a common drive." Mr. Smith said his understanding of the word "common" meant that the drive was authorized for use by more than one residence. The board then discussed other options with Mr. Smith. David L. Patch suggested he go back to the selectmen and ask them whether they would honor a waiver if granted by the planning board for three houses on a drive. If they refused, he suggested they be asked whether they would honor a variance if granted by the ZBA. The sequence of events to go to the ZBA was discussed with Mr. Smith and he was cautioned that a criteria of hardship had to be proven before the ZBA could grant a variance. The fact that it was now not possible to re-subdivide the merged parcel would appear to be a hardship. When asked what option he would prefer at this point, Mr. Smith said he would prefer to leave things as they were with two driveways on the property. He noted the issues were all with the selectmen's office and if an amended driveway permit had never been applied for, the DOT would have no problems with things remaining as previously approved. Mr. Lemay indicated he would "make this work somehow." He said he will also talk with the selectmen and DOT again and report back to the board.

David Shedd left the meeting at 6:55 pm. The board returned to Item 1 on the agenda.

1. Pre-application review: Patricia Rogerson, McKiel Pond Road, Bartlett. File: 2016-1215. Application to subdivide a 5.66-acre parcel into three lots containing 1.69-acres, 1.94-acres, and 2.03-acres respectively. Tax Map 5VILLG, Lot MCK150.

The board reviewed the application and plan and found no obvious problems at this time. The application will be formally submitted for consideration at the July 5, 2016 public hearing.

4. Minutes: The minutes of the June 6, 2016 meeting were reviewed. Motion to approve, as written, made by Scott Grant; seconded by Richard Stimpson. Vote: 6-0-1, with Philip Franklin abstaining since he was not present at the meeting.

5. Mail and Other Business:

- There was no mail listed on the agenda.

With no further business, a motion to adjourn was made by Scott Grant; seconded by Richard Stimpson. Vote: All in favor. The meeting adjourned at 7:10 p.m.

Respectfully submitted,
Barbara Bush
Recording Secretary