

**TOWN OF BARTLETT PLANNING BOARD
PUBLIC HEARING**

February 6, 2017

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

Also in attendance: Burke York of York Land Services; Bill and Ruthann Fabrizio; Clarence (Bert) George; Jessica Spaulding; Norman Head.

The meeting was opened at 6:02 pm by Chairman Philip Franklin, who reviewed the agenda.

1. Public Hearing: James Howard, Cobb Farm Road. File: 2017-1224. This is an application to subdivide two lots out of an 80.6-acres parcel of land on Cobb Farm Road. One lot will contain 2.02 acres and the other will contain 2.58 acres, leaving 76 acres in the subject parcel. Tax Map 5COBRD, Lot 45RW0.

Burke York presented and described the project. He said that state subdivision approval had now been received and that information had been added to the plan. The board had previously conducted a pre-application review of this project at the last work session, and it had also been discussed at a meeting prior to that when Mr. York was present on a fact-finding mission, so were knowledgeable on what was being proposed.

The Chairman called for a motion to accept the application. Motion to accept was made by David Shedd; seconded by David L. Patch. Vote: All in favor. The Chairman asked if the board had any questions or comments. With none, he opened the hearing to public comments and asked anyone wishing to speak to identify themselves for the record. Abutter Bill Fabrizio, noting Razor Brook bisected the property, asked what percentages of the 80-acres were on either side of the brook and how much of the land was developable. Mr. York said approximately 17 acres were in front of the brook and the applicant was concentrating on the front portion at the moment. He said due to beaver dams and slope constraints, the center portion was probably not ideal for development, however there was viable land in the rear and the front portions which was all good land, was not in a flood zone, and contained a knoll or high area which would be an ideal home site. When Mr. Fabrizio noted the land would probably all be for sale eventually, Mr. York responded if that ever happened that he would assume the purchasers would concentrate on the front half. David Shedd asked if the back portion across Razor Brook had road frontage. Mr. York said it did not and any access would probably involve brook or stream crossings.

Mr. Fabrizio then shared the history of flood events in the area and advised which culverts, gullies, and swales had been affected and which had subsequently caused flooding on some of the subject parcel. Mr. York said he believed the last time the area suffered flooding was during Hurricane Irene. He further noted that the river had been dredged since then. Mr. Fabrizio said Irene had been a one-time event caused by a breached levy, and so long as the contours of the land weren't altered too much that he didn't believe there should be any problems. He expressed two concerns. One that potential buyers of the lot may not be aware of its history, and two, what impact any new development of the entire parcel would have. Mr. York said he was not present for anything like that tonight, he was just here for the two small lots being subdivided from the main parcel. David L. Patch agreed, and noted if and when the rest of the property was developed, then a new application would be presented and the board would review it carefully at that time.

Abutter Jessica Spaulding indicated that had been her question as well, but that Mr. Patch had answered it. Ruthann Fabrizio said she always had concern about the bridge going out again, since there was only one access across the river. This elicited an off-topic discussion about the extent of the Stillings' Grant development, the potentials for secondary ways across the river, and whether the Master Plan should address these issues further. Another incidental issue noted was that the plan showed the date of Hurricane Irene as occurring in 1999, when in fact it was 2011. It was felt this did not warrant a new mylar being provided. With no further questions, the Chairman called for a motion to continue the application to the February 21 work session. Motion made by David L. Patch; seconded by Scott Grant. Vote: All in favor. Norman Head asked about the process to approve and sign the plan, which was explained to him.

2. Review and Approve Minutes: The January 4th and 17th minutes were reviewed. A motion was made by Scott Grant; seconded by David Shedd to approve the January 4 minutes, as written. Vote: 4-0-2, with Rich Stimpson and Peter Gagne abstaining since they were not present at the meeting. A motion was then made by Peter Gagne; seconded by Rich Stimpson to approve the minutes of the January 17 meeting, as written. Vote: 6-0-1, with Scott Grant abstaining since he was not present at the meeting.

3. 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 was 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 is completed.

4. Proposed Zoning Amendments: The Chairman noted how, after several weeks of discussing four proposed zoning amendments, that last meeting the board decided to withdraw two of them. The two amendments still on the ballot are a proposal to increase the number of dwelling units on a single driveway from two to three, and an state-mandated amendment relative to Accessory Dwelling Units. However, an amendment intended to provide an option for decreasing the current 115-ft. residential setback along Routes 16 and 302 and West Side Road to 60-ft, which would be consistent with the rest of the town, was withdrawn, as was a proposal to change the wording of a definition of a lot. The discussion to withdraw the setback amendment had been instigated when Gene Chandler had expressed his opposition to the amendment in a letter to the board. The Chairman noted that subsequent to the withdrawal of the amendment, there had been some questioning of whether the board should change the wording of the amendment so that it would focus only on the residential aspect and did not include condominiums, etc. This could easily be achieved by removing Item A.2 from the wording of the amendment which had been before the public hearing, as A.2 included all structures that were defined under a residential development. The Chairman expressed his opinion that this is not what the board originally presented at the public hearing, as at that time all residential structures would be allowed a decreased setback, but now we were limiting that option to single-family homes and duplexes. He felt that consideration should not be given to reinstating the amendment due to time constraints, but that it could be proposed again next year. David Shedd commented that condominiums are residential structures, which would become an awkward thing to resolve. He said he had just had a conversation with an individual who had presented a valid point in that 115-ft. commercial setbacks were imposed on West Side Road, but that the area was not zoned commercially and commercial activities, with the exception of a small portion zoned as Industrial, were not permitted. Mr. Shedd felt that residents along West Side Road were thus disadvantaged, which was something the board should look at. Mr. Shedd also brought-up the fact that the zoning ordinance contained a provision which stated any structure used for habitation had to be at least twenty-five feet from any other structure used for habitation. He wondered how this would affect someone wanting to add an ADU to a garage which was situated less than twenty-five foot from the main dwelling. David L. Patch felt if the garage was already existing then an ADU would be allowed, but any new structure would likely need to be twenty-five feet away until such time as the provision could be amended, if necessary.

Following a question from Scott Grant, the board engaged in a discussion regarding septic requirements for ADUs and the fact that the town imposed stricter requirements than the state did. David Shedd said he believed the state was developing new septic requirements for ADUs. It was felt the state may be doing this to ensure easier compliance for ADUs since it was the state's intention that they help fill the need for affordable workforce housing. It was further felt the town could still impose stricter standards if they chose. The Chairman ended the discussion by saying the two amendments to be submitted to the town clerk and selectmen's office for inclusion on the town ballot were the ones regarding the ADUs and the number of dwelling units allowed on a single driveway.

Norman Head asked why there were two different agendas posted at the post office. He was advised there weren't two agendas; one was a notice for the public hearing on James Howard's subdivision, which had to be posted ten days prior to the meeting, and the other was the meeting agenda, which was usually posted a few days prior to the meeting.

5. Mail and Other Business:

- The board reviewed a Save-the Date notice from OEP for their annual zoning conference. Peter Gagne, who attended the conference last year, encouraged people to attend as he said he found it to be very informative and interesting. It was noted the seminar involved a nominal cost, and the Chairman said the matter could be discussed at the next work session.
- The Chairman advised that the sign-up date for elected positions was now closed. He noted that David L. and David A. Patch had both signed, but that incumbent Rich Stimpson had been out of town and had not done so. If Mr. Stimpson wished to remain on the board, he could either run as a write-in candidate or be nominated as an alternate. The Chairman advised that Kevin Bennett had signed-up as a planning board candidate and his name would be on the ballot.
- Scott Grant noted that meetings regarding the Bartlett Hazard Mitigation Plan were still ongoing and that he had participated in several more. Mr. Grant shared what had taken place at the meetings, in particular the effort to implement a five-year road plan to include documenting maintenance requirements for culverts and drains, etc. Mr. Grant said the selectmen were not in unanimous agreement regarding the need for this plan and asked whether the planning board would be willing to write a letter to the selectmen indicating their support. After a short discussion, it was decided it may be more effective if board members expressed their support by writing letters individually.

With no further business, a motion to adjourn was made by Scott Grant; seconded by Rich Stimpson. Vote: All in favor. The meeting adjourned at 6:53 p.m.

Respectfully submitted,
Barbara Bush
Recording Secretary