

**TOWN OF BARTLETT PLANNING BOARD
WORK SESSION**

July 16, 2013

Members Present: Chairman David Publicover; David Patch; David Shedd; Margaret Lavender; Julia King.
Members Absent: Doug Garland; Lydia Lansing.

Chairman Publicover opened the meeting at 7:05 pm.

1. Continuation/Final Approval: Red River Properties Development Corp., Highland Road. File: 2013-1184. Application for amendment to subdivision plan to reduce a previously-approved 8-unit subdivision to 4 units. Tax Map 6SACOR, Lot 037HRO.

Mr. Dryjas presented. The Chairman thanked him for coming and explained that the planning board had a state-mandated deadline for rendering a decision on his application, absent a mutually-acceptable agreement to extend that deadline. Mr. Dryjas provided a written request to waive the deadline requirements and the board discussed how long the extension would be for. The Chairman said he did not want it to be open-ended and requested a specific timeframe from Mr. Dryjas as to when he felt the revised plans and permits would be in hand. After discussion, a motion was made by David Patch; seconded by David Shedd to extend the decision deadline to the September 17 meeting. Vote: All in favor.

Mr. Dryjas provided revised plans consisting of three sheets at 1:40' scale and one overall plan, which reflected the changes previously requested by the board. Also provided was NHDES subdivision approval SA2006007100-B which amended the eight-lot subdivision to four lots with the option of either on-site wells or municipal water. The board reviewed the revised plans to ensure the requested revisions had been made. There was a question on the location of the driveways to units 1 and 2, which appeared to show a drive leading to a septic field; however, this could be a mislabeling error on the plan. The hammerhead or turnaround needed to be shown on the last lot on the lower driveway, unless Mr. Dryjas was planning on developing the landlocked parcel in conjunction with these four lots. It was also requested the outdated test pit data from the eight-lot subdivision be removed from the plan, and the waiver table be amended to specify that the waiver allowing three residences on a driveway applied to the lower drive only.

The board discussed provisions for fire fighting. Mr. Dryjas said there was municipal water and hydrants on Highland Road Extension, which were shown on the plan. Mr. Dryjas was advised that once these latest changes had been made to the plan, he could drop them off to the secretary for review by the fire chief without having to wait for another meeting. Before leaving, Mr. Dryjas advised that a prospective buyer had recently expressed an interest in building on the upper land. He asked about the procedures for relocating the position of one of the four building envelopes. The Chairman said he would consider that to be a significant change which would require the public hearing be re-opened. Since the public hearing hadn't been continued from the original public hearing, this would necessitate re-notification of all the abutters as well as public notices. Alternatively, Mr. Dryjas could go ahead and get approval for this pending application, then submit another amendment to subdivision application at a later date, or he could withdraw this application and start again once he had a committed buyer.

A motion to continue the application to the August 5, 2013 meeting was made by Margaret Lavender; seconded by Julie King. Vote: All in favor.

2. Discussion with Edward Furlong: Mr. Furlong was before the board seeking advice on several issues pertaining to his cabins on Route 302. Mr. Furlong spoke of the consequences he suffered when the selectmen issued him a cease-and-desist order for not procuring a building permit to paint and replace the

roof and siding on one of his cabins. Mr. Furlong said he subsequently applied for a building permit, which was denied, but later found out that he only needed to have applied for a minor modification application. The matter eventually ended up in court. The board listened to Mr. Furlong's concerns but said the issue was not something the planning board could help him with as it was out of the board's jurisdiction, and he would need to resolve it with the selectmen. Mr. Furlong also asked about greenspace requirements on his property and enquired what he would need to do to rebuild his grandfathered residence which was destroyed by fire. The board advised Mr. Furlong of the procedures he would need to take to document his intention of retaining his grandfathered status and gave him a copy of the zoning ordinance so he could research and verify any future restrictions the selectmen imposed on him.

3. Rules of Procedure discussion: The Chairman said he had added an item to the procedures which addressed how long the tape recordings of the planning board meetings needed to be retained for. He also made some minor editorial changes. He shared information he had received from the Local Government Center resulting from his enquiry about the difference between adjourning, continuing, and closing a public hearing. He said he was informed that a public hearing should be kept open and continued up until the point the planning board had all the information it needed to render a final decision. If the board requests additional studies or changes to the plan, a vote should be taken at every meeting to continue the public hearing to a date certain. Once everything is in hand, the public hearing is closed and the board can then deliberate on all the material or studies. Should additional studies or changes be requested after the public hearing is closed, it needs to be reopened again.

A motion to forward a copy of the Rules of Procedure to the Local Government Center for review was made by David Patch; seconded by David Shedd. Vote: All in favor.

4. LA Drew gravel pit discussion: The Chairman advised an email had been received from Josh McAllister of HEB indicating LA Drew would like to start the process for the new pit and inquiring as to what procedures he needed to follow to do that. McAllister had been advised to submit an excavation permit application, which the board would deny so as to allow them to go to the ZBA for a variance. The Chairman said he had asked the Local Government Center whether the board needed to go through the procedures of accepting the application, holding a public hearing, then denying the application, or whether we could simply refuse to accept the application knowing it was an obvious violation of the zoning ordinance. The LGC advised we could just not accept it, however we still needed to publically notice the meeting and notify abutters. The Chairman noted while we do not have a specific excavation permit application, the standard application form had provisions for checking a box entitled "other" and Mr. McAllister will be advised to use that means. The Chairman said he would draft a response to Mr. McAllister advising him of the procedures to take. He also noted the board had still not received the reclamation plan for the existing pit, which had been requested numerous times.

5. Review and Approve Minutes: The minutes of the July 1, 2013 meeting were reviewed. A motion to approve the July 1 minutes, as written, was made by Julia King; seconded by Margaret Lavender. Vote: All in favor.

6. Mail and Other Business:

Correspondence noted on the agenda was reviewed.

With no further business, a motion to adjourn was made by David Patch; seconded by David Shedd. Vote: All in favor. The meeting adjourned at 8:40 p.m.

Respectfully submitted,

Barbara Bush
Recording Secretary