

**TOWN OF BARTLETT PLANNING BOARD
WORK SESSION**

December 17, 2019

Members Present: Scott Grant; David L. Patch; David Shedd; Kevin Bennett; Kevin McEnaney; Barry Trudeau.
Members Absent: David A. Patch (with notice).

Also Present: Rick Girardin and Wes Smith of Thorne Survey.

Chairman Scott Grant called the meeting to order at 6:00 pm and reviewed the agenda.

1. Pledge of Allegiance.

2. Continuation/Final Approval: Trecarten Family Trust, Cobb Farm Road. File 2019-1261. This is an application to legally separate a 38-acre parcel into two lots containing ± 8 -acres and ± 30 -acres respectively. These two lots were once joined, but changes in the course of the Saco River resulted in the 8-acre house lot becoming physically separated from the rest of the property. Tax Map 5COBRD, Lot 055-LW3.

The Chairman asked whether the board had any further comments or questions on this application. With none, he called for a motion to approve. Motion made by Kevin McEnaney; seconded by Barry Trudeau. Vote: All in favor. The mylar was signed for recording.

3. Continuation/Final Approval: David L. Patch, Glenwood Avenue Extension. File: 2019-1260. This is an application to subdivide a 2.96-acre parcel into two lots containing 1.85 and 1.11 acres respectively. Tax Map 2GLENW, Lot 1-0.

The Chairman asked whether there were any changes made to the plan since it was presented at the public hearing. Mr. Patch said nothing had changed. With no further discussion, a motion to approve was made by David Shedd; seconded by Kevin McEnaney. Vote: 5-0-1, with David L. Patch abstaining. The mylar was signed for recording.

The representative for Item 4 on the agenda had not yet arrived, so the board proceeded to Item 5.

5. Continuation/Final Approval: RSM Bartlett Properties, LLC, (Richard Girardin), 590 US Route 302. File: 2018-1251. This is an application for a 14-unit subdivision (7 duplexes) on a 13-acre parcel identified as Tax Map 3RT302, Lot 53R00.

The applicant, Rick Girardin, was present. He said state subdivision and alteration of terrain approvals had been obtained and he was hopeful the DOT driveway permit was be approved within the next week or so. He advised he was working on resolving the issues identified by Civil Solution's review of the road design and provided a written response addressing each of those concerns. This response had been prepared by their engineer, Ross Cudlitz, who Mr. Girardin said was an engineer for Maine DOT. He noted some of the discrepancies and/or missing information were minor and procedural in nature, and these had been corrected, but others were more-substantive including the road grade and radii. Mr. Girardin advised he had also retained the services of an independent engineer who reviewed the road design and provided a supplemental traffic safety summary in support of several waiver requests which he was submitting, copies of which were provided. When David Shedd asked whether granting waivers from the road standards was up to the planning board or the selectmen, since the selectmen were now in charge of roads, he was told it was up to the selectmen. David Shedd provided a short history of how the responsibility regarding the road standards had gone back-and-forth between the planning board and selectmen over the years, and how the responsibility had finally ended-up with the selectmen after the chairman had introduced legislation in Concord to allow that to happen. Mr. Patch asked whether the fire chief had reviewed the plan to ensure the design met the requirements for emergency vehicle access. Mr. Girardin said that had been done, and he was hoping to get a letter from the chief shortly. He added it also met national AASHTO standards for emergency access.

Mr. Girardin addressed a concern raised by Civil Solutions that the curve and radii of the road design would make the town's minimum design speed of 25 mph impossible. He said since this was intended to be a private road, he believed the speed limit could be less and suggested the standard AASHTO 15 mph speed limit would be appropriate. He said this lower limit would be recorded in association documents and made physically visible on speed limit road signs. David L. Patch explained to Mr. Girardin that Bartlett's strict road standards were in response to very poor-quality roads having been constructed in the past which the town was then responsible to repair. Mr. Girardin said he understood, and advised that his project met approximately 96% of those standards. He acknowledged Civil Solution went by the letter-of-the law and applied these strict standards when reviewing the road design, which is why he felt there could be leeway in some areas where waivers would be justified. He cited the town's minimum design speed of 25 mph as an example, saying by the time a vehicle reached that speed it would have come to the end of the relatively-short road and be out of the development. Mr. Girardin said the Lower Bartlett Water Precinct had approved the water system design, utility plans were in place and NHEC fees had been paid, and all he was waiting on was planning board approval. Mr. Girardin advised he had hired Colemans to construct the road, once the design was finalized and approval had been granted.

David L. Patch asked whether approval of the road was the only outstanding issue relative to this application. Mr. Girardin said he believed it was, and said an earlier issue of the catchbasins being in the road ROW was resolved when they were removed entirely and replaced with pre-treatment sedimentation ponds. Kevin McEnaney asked whether it would be appropriate for the planning board to write a letter to the selectmen in support of the requested waivers but it was decided, in fairness to other applicants, that type of involvement was not something the planning board generally undertook. Mr. Girardin said one of the waiver requests was for the road to have a 50-ft. ROW, instead of the required 66-ft. He said this would prevent it from ever becoming a town road. David L. Patch said that was a moot point, since that provision was no longer part of the road standards because it was up to the voters at town meeting to decide what would become a town road, not the selectmen, though the selectmen could lobby for people to vote no. Mr. Girardin said, in that case, the ROW waiver would probably be withdrawn.

With no further discussion, a motion was made by Kevin McEnaney; seconded by David L. Patch to continue the application to the January 6, 2020 meeting. Vote: All in favor.

Kevin Bennett left the meeting early at 6:30 pm. With the arrival of Wes Smith, the board went back to Item 4.

4. Continuation/Final Approval: BBSK Properties, LLC, Route 16A. File: 2019-1259. This is an application for a two-lot subdivision of the 12.82-acre Swiss Chalet property. It is proposed to create a 1.20-acre lot to allow an existing residence to be on its own separate parcel. Tax Map 1RT16A, Lot 227-L00.

Wes Smith of Thorne Survey was present to speak to this application. He said density calculations had been provided for each of the buildings to show they were in compliance with their issued permits. Mr. Smith said there was only one kitchen, which had been approved with the apartment, and there was a small wet bar in the main building where guests could prepare coffee or use the microwave, etc. Mr. Smith provided copies of 11x17 plans which had contour and other extraneous lines removed in order to show the setback lines and greenspace area more clearly. Review of these plans created a long discussion on several items including whether the board would allow the existing grandfathered driveway to remain and whether it could be used to access the commercial portion of the property through a proposed easement over the new residential lot. Mr. Smith said he could not find anywhere in the zoning ordinance which addressed whether a situation like that was allowed or prohibited. The board eventually felt that the existing grandfathered driveway would be allowed to stay. Mr. Smith said all they were trying to do was to create a separate lot for the residence and no expansion of the property was being proposed; it would remain physically the same as it is now. David Shedd again asked about which driveway the applicant would be willing to give-up should the NHDOT not allow three curb cuts along that stretch of Route 16A. He suggested if one was abandoned the residential lot could perhaps be reconfigured to be elongated and narrower so as to help with the setback issues around the residence. Mr. Smith agreed that may be a possibility, but said they were trying to keep the emphasis on there being a commercial access on the frontage relative to Route 16A, instead of there being no frontage on 16A. He said he did not know how the grandfathering of the commercial lot would be affected if it no

longer had frontage on what he called its legal frontage. When David Shedd asked whether that was a requirement, Mr. Smith said he did not know. Mr. Shedd asked who said Route 16A was their legal access and legal frontage? Mr. Smith said technically their legal frontage was on 16A and expressed concern that the DOT or selectmen would have issues if that frontage was eliminated. Mr. Shedd asked whether Mr. Smith had applied to the DOT yet. Mr. Smith said he had not, as a determination regarding the existing driveway crossing residential land had not been made. He said he was not sure what, if any, driveways they would give up and it depended on what the state would allow.

Mr. Smith said he had also had a list of outstanding items which he would like feedback on. One involved the existing grandfathered sign, which would end-up being located on the residential lot should this subdivision be approved, which is not allowed under the zoning as signs and the activity they directed people to had to be located on the same lot. Mr. Smith said the sign could probably be re-located to the lower driveway entrance, though that was something the owner would rather not do since it would not have good visibility at that location. When he noted he could apply to the ZBA for a variance, the board suggested he look into whether the size of the sign complied with zoning or whether that was also grandfathered. Another issue created by the proposed boundary line was the setback distance between the existing house and the closest commercial building. Mr. Smith said he had modified the boundary in that area and straightened it out slightly which resulted in the residential setback now being 14-ft. and the commercial setback being 40.7-ft. Mr. Smith noted the ZBA could grant special exceptions to reduce the 15-ft. residential and the 50-ft. commercial setbacks by 20%, and the distances he was proposing fell within that 20% realm. Mr. Smith next addressed the greenspace area and said from his review of the zoning ordinance it appeared that Residential District A did not require greenspace for residences. He asked whether that was also the board's understanding. Next discussed was what greenspace was required for the commercial lot. Mr. Smith said the zoning was confusing in its wording, but his understanding was that since this was a grandfathered lot that a minimum of 25-ft. of side setback and 10-ft. of rear setback of natural growth would be required. He said the proposed residential lot would create a new side boundary for the commercial lot which would require a 25-ft. greenspace buffer, so if that requirement was not something the planning board could waive then he would probably need to seek a variance from the ZBA. David Shedd asked about the parking area which was now located in the setback. Mr. Smith said while the zoning specifically stated the greenspace had to be natural forest growth and maintained, he could find nothing which prohibited parking in the building/structure setback. A review of the zoning ordinance's definition of a "structure" found that pavement was considered a structure, so if the parking area was paved, it would likely be considered a structure and would need to comply with setback requirements. Mr. Smith said he would like some clarification from the board as to whether that was the case as, if it was, then there was other parking on the property which would be affected. A short discussion followed about how other businesses in town, such as Grants and Margarita Grill, had parking right up to the road ROW, although it was felt they could be grandfathered situations.

David Shedd asked what it would take for Mr. Smith to apply to the ZBA and asked what items the planning board would need to deny for this to happen. Mr. Smith said the existing sign location, if necessary; the greenspace area; possibly the issue of parking in the building setback; and the two setback reductions between the residential and commercial buildings. Mr. Smith was asked whether he was expecting a decision from the board tonight. He said he was not, that he was merely trying to get things nailed-down as far as what he needed to do and apply for so he could relay that information onto Mr. Patel. For example, if the parking which was in the setback could not be resolved, that could make a difference as to whether he went forward with this project since that parking provided the only way to get into those units. Mr. Smith said the owner had to consider the financial aspect of his business as well, and said the parking for those units really needed to remain so that customers did not have to park a great distance away from their unit and have to carry luggage, etc.

The Chairman asked if there were any further questions from the board. With none, he called for a motion to continue the application to the January 6, 2020 meeting. Motion made by Kevin McEnaney; seconded by Barry Trudeau. Vote: All in favor.

6. Review and Approve Minutes: The minutes of the December 2nd meeting were reviewed. A motion to approve the minutes, as written, was made by David L. Patch; seconded by Scott Grant. Vote: 3-0-2, with Kevin McEnaney and Barry Trudeau both abstaining since they had not attended the meeting.

7. Mail and Other Business:

- There was no mail listed on the agenda.
- The Chairman noted March was fast-approaching which meant the terms of two members would be up. He also mentioned it would be nice to have a planning board representative on the ZBA.
- The board briefly discussed the subject of gravel pits after the Chairman asked whether they wanted anything regarding them put on the ballot. David Shedd noted this was a very complicated issue and agreed that the existing pits were running out of gravel. He asked whether the board wanted gravel pits to be a permitted use, and whether they should be allowed to expand into residential areas. He said he would be willing to support them expanding into commercial areas, but not residential. The Chairman suggested the ballot ask whether voters wanted pits to be able to expand; whether they wanted to see new ones allowed; and whether they should be allowed to expand into residential land. David L. Patch agreed it was a complicated issue and said he would not like to see a wham-bam decision made but that the issue deserved more thought.

There being no other business, a motion to adjourn was made by Kevin McEnaney; seconded by Barry Trudeau. Vote: All in favor. The meeting adjourned at 7:48 pm.

Respectfully submitted,
Barbara Bush
Recording Secretary