

**TOWN OF BARTLETT PLANNING BOARD
PUBLIC HEARING**

May 5, 2014

Members Present: Chairman David Publicover; David Patch; Doug Garland; David Shedd; Margaret Lavender; Richard Stimpson. **Members Absent:** Julia King (with notice).

Also present were David Douglass of Thorne Surveys; Bob Tafuto of Ammonoosuc Survey; Tom St. Martin; James Gale; Charles Swett; Sheila Duane; Brad Thayer.

Chairman David Publicover opened the meeting at 7:04 pm.

1. Public Hearing: Peter and Adina Gagne, Thorn Hill Road: File: 2014-1194. Application for a two-lot subdivision of a 12.16-acre parcel of land on Thorn Hill Road. One lot will be 2.01 acres, leaving 10.15-acres in the other parcel. Tax Map 1THORN, Lot 054R00.

Bob Tafuto presented and provided plans. The Chairman noted that some board members were present at the last work session when this application was presented for preliminary review, but that others had not seen it. At that time, no particular issues were identified. Mr. Tafuto said a year or so ago, a septic system was designed for the residence currently under construction, which had now been installed. He said the applicant was now looking to remove a 2.01-acre lot from the 12-acre primary parcel and a septic system has also been approved by the DES for that lot. He said the plan showed an access way to get up to the system, which was located higher-up on the lot to take advantage of the views, but there was nothing to say it couldn't be redesigned and built down lower. Subdivision approval has also been received. Mr. Tafuto noted that while the site appeared steep, there was a lot of usable land available. He said wetlands had been delineated, test pits done, and a HISS study performed to determine density calculations.

The Chairman asked if the board had any questions. Doug Garland asked whether the driveway went back at least 75' before it crossed the boundary? Mr. Tafuto said each lot could have its own driveway, but he was under the impression that if a driveway was shared, it could be within 15' of a boundary line. Mr. Garland said it didn't have to meet setbacks if it was shared on the boundary. He reminded Mr. Tafuto that both driveways needed to meet driveway specifications, and expressed doubt that they did. Mr. Tafuto acknowledged they needed to comply with the regulations, and said the existing one certainly did. Mr. Garland said the selectmen weren't convinced that the existing driveway was in compliance, and a few weeks ago had requested evidence in writing that it did. Mr. Garland explained that last time he spoke to road agent, Travis Chick, he had reported that the existing driveway did not meet the driveway specs. However, he said that conversation happened a few weeks ago and that they may now comply. Mr. Garland noted he had just been up to the site and observed that a lot of vegetation had been taken down and rocks had rolled down the hill. He described the work being done at the site as ugly.

Mr. Tafuto advised there had been construction problems at the site and the contractor had to re-work some drainage. He didn't believe the construction issues were a planning board concern, but was the concern of the homeowner. Mr. Garland felt it was a planning board concern if anything involving a 25% grade or more was disturbed, since it was then required to be replanted. And it became a town concern when big rocks were being dug out, which were rolling down a steep slope into the drainage ditch. Mr. Tafuto said he was unaware that was happening.

The Chairman asked if there were any further questions on the application. With none, he called for a motion to accept the application. Motion was made by Margaret Lavender; seconded by David Patch. Vote: All in favor. The Chairman then opened the meeting for public comment. There were no questions or comments from the public. The Chairman again asked if the board had further questions. He noted that the application would need to wait until the work session for final approval, and called for a motion to continue it to the May 20 meeting. Motion was made by David Patch; seconded by Margaret Lavender. Vote: All in favor.

Doug Garland noted a references on the plan to a wetland impact plan prepared by Ammonoosuc Survey and asked Mr. Tafuto if he could see a copy of it. He said he was asking because it appeared that the driveway goes across a wetland. Mr. Tafuto said it did; that there were two crossings which had been granted approval by the state and that plans had been originally submitted to the town prior to them going to the DES. Mr. Tafuto agreed to supply another copy of the plan. Mr. Garland asked whether anyone was making sure that work at the site followed the plan? Mr. Tafuto said they don't follow through with that aspect of the plan, but maybe the state did. Mr. Garland repeated that he still needed to see the plan. David Patch asked who had done the wetlands work? Mr. Tafuto said it was done by Greg Howard, and he was pretty sure that the Wetlands Division perform inspections. Mr. Patch agreed, noting that all his projects involving wetlands had been inspected by the state. He noted that, in his opinion, Greg Howard's work was the best he had ever seen, and wetland impacts were inspected more critically than septic inspections. Doug Garland advised that he had just been to the site and said it was falling apart. He just wanted to be sure that the plans were being followed. Mr. Tafuto said some of the areas were still exposed because construction problems with the foundation were still being resolved, but that everything will eventually be backfilled and fixed.

The Chairman then closed the public hearing, and noted that the planning board does not oversee construction problems. Bob Tafuto said he would be back with the wetlands impact plan. Doug Garland told him to take it to the selectmen's office since it appeared the planning board didn't share his concern about the construction issues.

2. Continuation/Final Approval: Beverly Swett and Tom & Virginia St. Martin, Jericho Road. File: 2014-1193. Boundary-line adjustment to confirm the boundary status of lands previously conveyed by John Parker, Sr. without planning board approval to Clifford, Carney, Parker. Tax Map 2JENKS, Parcels 105-L02, 105-L03 and XXX-2.

David Douglass of Thorne Surveys presented and provided revised plans which the board reviewed. The Chairman noted that the Shyann Parker Realty Trust was now a party to the application, and that the small left-over piece of land had been specified as an unbuildable parcel, which had been one of the suggestions of the Municipal Association. David Shedd asked if the small lot was going to be taxed? Doug Garland said since it was an unbuildable lot, his guess would be that it's not going to be.

The Chairman asked if there were any questions and Charles Swett asked to speak. As at previous meetings, he expressed concern over the rights-of-way. He said that three of them were not shown on the plan, and he wanted to know why. David Patch explained to him that the planning board doesn't determine what is or isn't a right-of-way, but that any that are existing and deeded can't go away. He pointed-out a note on the plan which read, "All rights of others over the existing roads, including Campfire Lane, shall remain in perpetuity." The Chairman said he believed the plan showed the driveways as they exist now; not that the driveways are the rights-of-way. Mr. Swett asked what happened to the ones from 1988-89, that are not even shown on the plan as being there. Doug Garland asked if they could be seen on the ground and whether they were being used as a right-of-way? Mr. Swett said they could be seen and were being used by one individual at the end of Campfire Lane as a driveway. David Patch informed Mr. Swett that a right-of-way was typically in a deed, and was not necessarily shown on a plan such as this. The Chairman added that was especially true if they involved properties that were not part of this application.

David Douglass explained that in this particular case, the rights-of-way are not described and in some cases they weren't even mentioned in the deed. A very long discussion ensued with the board trying to reassure Mr. Swett that anybody with rights to use the existing road would continue to be able to do so. Unfortunately, Mr. Swett spoke from the back of the room, and it was difficult to hear a lot of what he said to fully document his concerns. The dialogue at the table was often interrupted, but what the board attempted to convey to Mr. Swett was that this was a plan showing property boundaries and what exists on the ground right now. It does not say whether or not Campfire Lane is the right-of-way to other properties, or whether other rights-of-way exist or not. A motion to approve the application was made by Doug Garland; seconded by David Patch. Vote: All in favor. David Douglass provided a mylar for recording and thanked David Patch for his assistance with this project.

3. Continuation/Final Approval: Attitash Mountain Service Company (AMSCO), Block G, off Parker Ridge Road, Stillings Grant. File: 2013-1187. Application for subdivision of Stillings Grant Block G into 40 residential units. Tax Map 5STLNG, Lots G00-0.

The board discussed Burr Phillips' review of the five potential waivers requested against the 2005 road specs which had been submitted by Mark Lucy for the construction of Cave Mountain Road. It was suggested by Doug Garland that Burr be asked to come to the May 20 work session to go over the information, and it was further suggested by the Chairman that Mark Lucy be asked to attend as well. The secretary will contact Burr to see if he is available to attend the work session, and will let the applicant know if he is so they can arrange for Mr. Lucy to also be present if they so wish. A copy of the original waiver request submitted by Mr. Lucy on January 14, which included diagrams and list of the waivers requested, was viewed. Mr. Garland asked if there was anything included which showed the road alignment, or if the board had anything along those lines. The Chairman said we had the original plans, but that detailed plans hadn't been done yet. David Patch suggested that Burr be asked to bring with him any plans and information that were used during his assessment of the waivers. Doug Garland agreed that he would like to see that information. He questioned the wording of Burr's review items 1 and 2, which said, "Mark [Lucy] indicated that the exact road alignment (location) was permanently established as part of the 1989 subdivision approval" and "Mark indicated that the design review at this time is for grading and drainage of the 1989 layout - it is not considered a new layout at this time." He said he would rather Burr had said, "I looked at the 1989 plan which showed the exact road alignment ... etc." as he would like to think that Burr actually viewed the plan and did not just rely on Mark's indications. The Chairman said we had a copy of the original 1989 approval which showed the horizontal layout of the road. He explained that Mark Lucy was waiting to get some indication as to whether the board was amenable to these waivers before creating a detailed plan with road profiles, etc. David Shedd explained the wording of Item 1 meant they would not deviate from the measurements on the 1989 plan.

Since Mr. Garland would not be at the May 20 work session, he wanted it known that what he was looking for was the minimal amount of waivers needed from the 2005 road standards to make the road possible, i.e., we are actually taking the 2005 road specs and only granting waivers in places they were too burdensome. He did not want the 1989 specs taken and "souped up," saying there was a big difference. He expressed concern that these five waivers may not be the only ones asked for, but said they could always be denied. The Chairman agreed that was certainly an option, and suggested Burr be asked what the alternative would be if any of the waivers were denied. David Shedd and Patch noted Burr's suggestion that the road agent and selectmen be consulted regarding Item 3, where it was proposed to install a guardrail to minimize wetland impact, and 5d, involving the installation of an underdrain. Being the selectmen's representative, Mr. Garland was asked how it would be best to facilitate this meeting; would the road agent and/or selectmen come to a planning board meeting, or would they like a representative from the planning board to attend the selectmen's meeting? Mr. Garland said he wasn't sure, adding he also wasn't sure how much say the selectmen now have over roads, but indicated they probably wouldn't look favorably on installing guardrails. It was finally decided that Mr. Garland will ask the selectmen at their next meeting how they wished to handle a meeting between themselves and the planning board. Sheila Duane asked why there was such opposition from the selectmen to guardrails. Doug Garland told her she could ask the selectmen, but suggested it was mainly because they were big maintenance issues, such as when they got hit by the plow, for example. He noted that most of the roads in Stillings Grant had been turned over to the town, and there was no reason to assume this one would be any different. He reminded the board that it was the planning board who had the last say in these matters, not the selectmen. David Patch agreed, but said the board could certainly seek the selectmen's input. The Chairman noted that this guardrail was being proposed to minimize wetland disturbance. Mr. Garland acknowledged it could be beneficial in this instance, and that this was a low-volume road, and said each case for a guardrail was looked at on an individual basis where input from the town engineer was certainly considered.

The Chairman said since this was a continuation of a public hearing, he asked if there were any members of the public who had any questions on this application. With none forthcoming, he called for a motion to continue the public hearing until June 2. Motion made by David Shedd; seconded by Doug Garland. Vote: All in favor. He then called for a motion to continue discussion of this application until the May 20 work session. Motion made by David Patch; seconded by Doug Garland. Vote: All in favor.

4. 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.

No new information had been provided regarding this application as the applicant as still waiting to hear back from the fire chief. A motion to extend the decision deadline to the June 2 meeting was made by David Patch; seconded by Rich Stimpson. Vote: All in favor.

5. Bray Thayer representing the Birchlea Homeowner's Association asked to view the Alteration of Terrain application submitted to the state by HEB on behalf of LA Drew for the expansion of their gravel pit. He was told to contact the secretary during business hours at the town hall to do this.

6. Review and Approve Minutes: The minutes of the April 15, 2014 meeting were reviewed. In Item 1, third paragraph, last sentence, it was noted that David Patch had been provided Corinne Parker's phone number, not David Shedd, who was not present at the meeting. Motion made by Doug Garland; seconded by David Shedd to accept the minutes as amended. Vote: All in favor.

7. Mail and Other Business:

- Items listed on the agenda were reviewed.
 - David Patch and Doug Garland advised they would not be available to attend the May 20 work session.

With no further business, a motion to adjourn was made by Rich Stimpson; seconded by David Shedd. Vote: All in favor. The meeting adjourned at 8:15 p.m.

Respectfully submitted,
Barbara Bush
Recording Secretary