

**TOWN OF BARTLETT PLANNING BOARD
WORK SESSION**

June 17, 2014

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

Also present were Mark Lucy of White Mountain Survey and Engineering; Joe Berry and Sheila Duane of AMSCO; Mark Dryjas.

Acting Chairman David Patch opened the meeting at 7:05 pm.

1. 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.

Mark Lucy provided updated road waivers showing the revisions requested by the board at the last meeting, namely the deletion of the waiver for guardrails and the addition of an underdrain in waiver #4. He pointed out a small correction on the road section detail provided, in that the 36" depth shown in the underdrain detail represents the distance to the bottom of the drain, not the distance to the bottom of the stone. This will push the underdrain down another half-foot, making it better. Acting Chairman Patch said at the last meeting, the board expressed no great concerns regarding the waiver, but made note of two letters received from the selectmen this morning (though dated May 15, 2014) stating their position on which road standards should apply to the Stillings' Grant proposed subdivisions, and the use of guardrails and underdrains. Acting Chairman Patch said the issue of guardrails mentioned in the letter was not an issue now, as none were being proposed. The other concern expressed by the selectmen was the maintenance of the underdrain, as they don't have the ability or the equipment to maintain them. Mr. Lucy was asked what maintenance procedures would be necessary. He said he had never ever heard of an underdrain needing maintenance. However, he said they were provided with cleanouts, or flushing basins, and if a cleaning was ever needed it could be done by flushing the drain using a fire hose connected to a hydrant. He said he had designed the drain to be as maintenance-free as possible by wrapping the stone in non-woven geotextile fabric, which would keep the silt out.

Doug Garland shared legal advice the selectmen had requested from town counsel regarding the granting of waivers and the relationship between the planning board granting waivers and the town acceptance of the road. He said the selectmen felt they didn't want the planning board granting waivers which could lead the developer "down the road" to believing that the road would then be accepted as a town road, which may not be the case. Mr. Garland said he was not against granting waivers at the planning board level, but when it comes to town road-acceptance time, and comes up to the voters, there will be a finished road on the ground. If the town feels that road is worthy of being accepted, Mr. Garland felt the selectmen would probably recommend it be accepted. If they believed too many waivers were granted, there is a chance they would not recommend accepting it. Citing RSA 674:36-2:(n), he said there are certain procedures to granting waivers that the selectmen and counsel need the board to follow. These include stating a justification as to why the waivers were granted, and that each waiver and justification be recorded in the minutes and shown on the plan. He said since most people don't look at the recorded subdivision plan when buying property, the deed should also contain some type of red-flag to potential buyers that the road does not meet current road specs and that x-amount of waivers had been granted, which may affects its ability to be accepted as a town road. Mr. Garland said this does not mean the road *won't* be accepted, and said he did not want to speak ahead for this particular road. He mentioned he had driven over the Kancamagus Highway recently and saw a sign at the height of land warning of a 7% grade for the next 2-1/2 miles. He said that 7% grade seemed pretty steep to him, and the applicant was proposing an area of 10% grade.

Mr. Lucy explained that he had followed the statute quoted by Mr. Garland, and each waiver requested included a detailed justification. He said the crux of the matter was that the town may not accept the road, even if it was built to current road standards, and asked why it was necessary to burden the developer and potential buyers or sellers by

adding such language. Mr. Garland said he did not want this to sound like a bad thing; the intent was to simply keep the public informed. Mr. Lucy assured Mr. Garland it was going to be a well-built and beautiful road. Mr. Garland agreed it probably would be, but said he would like to see the finished product before making judgment on it. Joe Berry objected to the inclusion of “warning” language in the deed, saying the planning board did not have the right to require it, and it was outlandish to have cautionary wording in a deed. He was informed the town’s counsel had indicated the board had the right to request adding such wording to a deed. Sheila Duane read RSA 674:36-2:(n) out aloud for the benefit of the board, and interpreted it to mean that “specific special circumstances exist on the land that require a waiver for the road to be built in the spirit and intent of the ordinance.” Granting waivers did not mean the ordinance was being thrown-out. She asked where in the subdivision regulations did it say the board had the right to impose cautionary language in a deed, as there had to be some governing document that gave the board that right. Mr. Garland repeated he was merely repeating legal advice he was given yesterday, and if people want to question that advice, they needed to take it up with a lawyer. The Acting Chairman asked how the board members felt, and what level they would like to see information recorded at. David Shedd and Julia King both expressed that while they understood the concept, that maybe the board would be going a bit too far by requiring such language in a deed. Joe Berry explained that documentation for all his company’s subdivisions was publically on file, including with the Attorney General’s office, which addressed all subdivision issues such as covenants, restrictions, status of roads, etc.

The board discussed and voted on each of the four waivers requested from the 2005 street regulations as follows:

Waiver No. 1: Section V, Item C.7.c – Vertical Alignment. Maximum center line grade and maximum longitudinal length of grades in excess of 6% and of 10%.

Specifically:

Proposed grade greater than 6%: From centerline station 2+72 through 14+50, a total distance of 1,178 feet. (2005 street regulations limit the distance of a 6% grade to 1,000 feet).

Proposed grade greater than 10%: From centerline station 3+87 through 13+17, a total distance of 930 feet. (2005 street regulations limit the distance of a 10% grade to 500 feet).

Motion to grant waiver No. 1 made by David Shedd; seconded by Julie King. Vote: All in favor.

Justification: From centerline station 9+00 through its end, Cave Mountain Road is classified as a Rural Minor Access Road by AASHTO, consistent with Section V.C.1.a (geometric standard guidelines). A Rural Minor Access Road is a road that serves almost exclusively to provide access to residential lots fronting on the road, it is relatively short in distance, and typically terminates in a cul-de-sac or loop with no through travel. Because Cave Mountain Road’s primary function is to provide access to residential lots fronting on it, it would be fair to presume that it will be used primarily by drivers familiar with its geometric features. Given this set of circumstances, it would be reasonable to allow vertical alignment geometry that otherwise conforms with the 2005 standards, and is in keeping with its immediate surroundings consistent with Section V.C.2.c and d. [The arrangement and character of streets shall ... compose a safe and convenient system in relation to ... topographic conditions ... and shall be designed to minimize environmental impacts.] Example, at centerline stations 11+00 through 20+00, there are significant differences in cut depths between the 1989 standard and the 2005 standards: 23.6 foot cut depth at station 14+100, requiring a 160 foot wide tree-cleared swath; 25.4 foot cut depth at station 14+00, requiring a 150 foot wide tree-cleared swath. Whereas, the 1989 standard would require 2.8 foot cut depth and 0.3 foot fill depth, respectively. Whereas, the suggested 2013 vertical alignment will result in cut depth of 11.6 and 12.1 feet, respectively, and swath widths of 100 feet and 89 feet, respectively. Noting that the right-of-way is 66 feet wide, meaning the suggested 2013 standard will require tree cutting and grading up to 17 feet outside of the right-of-way.

Waiver No. 2: Section V, Item C.8.d – Intersections. Minimum distance of 75 feet from intersection to horizontal curve.

Request: To allow a distance of 56.94 feet from the intersection located at centerline station 24+23.04 to the start of horizontal curve at centerline station 24+79.98.

Motion to grant Waiver No. 2 was made by Doug Garland; seconded by Margaret Lavender. Vote: All in favor.
Justification: This requirement was not contained in the standards in effect at the time of the Master Plan approval and therefore, other than by happenstance, would not have been purposefully held to. The underlying intent of this requirement is to provide adequate stopping sight distance for the purposes of vehicular and pedestrian safety. Consistent with Section V.C.5.a, using the 25 mph design speed, this intersection will provide greater than 125 feet stopping sight distance: the 125 foot sight line is entirely within the right-of-way which will be kept free of obstructions. Therefore, given the foregoing, it would be reasonable to waive this requirement because the underlying intent is achieved.

Waiver No. 3: Section V, Item M.2 – Road Monumentation.

Request: To allow the use of 5/8 diameter steel reinforcing bar with aluminum discs instead of 7/8" iron pipes at lot corners where lot lines intersect rights of way lines.

Motion to grant Waiver No. 3 was made by Margaret Lavender; seconded by Richard Stimpson. Vote: All in favor.
Justification: WMS&E has been using this assembly for decades as it is more durable and easier to locate than an iron pipe. This is a common assembly and was used for the Parker Ridge Road lot corner monumentation. Therefore, it would be reasonable to waive this requirement and allow a more durable lot corner monument.

Waiver No. 4: Standard Street Cross Section. Request: To allow a five-foot dimension from edge of gravel shoulder to edge of roadside ditch line (cut side condition) rather than the ten-foot dimension shown in the Standard Street Cross Section.

David Shedd asked if we had sought advice from the road agent on this waiver. Doug Garland told him that town engineer Burr Phillips had been asked instead, as he had more expertise on the matter. Burr had no great opposition to granting the waiver, but recommended the addition of the underdrain. Doug Garland commented this was the hardest waiver for him to understand, and he wants to wait and see the road developed and see how it works on the ground. He admitted the applicant was doing a really good job and not skimping or asking for waivers on the main components of the road. He said he would describe these four waivers as almost caveat, which would produce an even-better road.

Motion to grant Waiver No. 4 was made by Julia King; seconded by Margaret Lavender. Vote: 5-0-1 (Garland abstaining, saying he would reserve his vote for the future).
Justification: [Reference "Mountainside Road Section and Road Construction Guidelines.] A 24" to 48" wide gravel shoulder, a five foot (minimum) ditch foreslope, and a 24" wide ditch bottom, will provide a 9~11 foot snow storage panel off of the travelled way. At driveway intersections, the use of a minimum dimension for the foreslope allows for a greater dimension if required to achieve proper culvert depth of cover. The Exhibit also requires the aggregate base and sub-base courses to extend to daylight: the attached Road Section accounts for this by providing underdrains beneath the ditch line allowing the base course the opportunity to drain consistent with this requirement. Allowing this lesser dimension will result in a 9~13 foot narrower tree-cleared swath width and is consistent with Section V.C.2.c and d. [The arrangement and character of streets shall ... compose a safe and convenient system in relation to ... topographic conditions ... and shall be designed to minimize environmental impacts.] Given the foregoing, it would be reasonable to allow this lesser dimension in this rural setting.

On an issue unrelated to the waivers, David Shedd said he'd be interested to know how it was possible to replace a culvert under 30-ft. of fill without having to dig it up. Mr. Lucy said, at that depth, it would probably be concrete which is virtually indestructible, or it could be relined.

2. 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.

The board reviewed a letter from the fire chief regarding fire suppression which expressed the chief's requirement that two 30,000 gallon cisterns be installed, one on each drive, each supported by a drilled well solely dedicated to the cistern to maintain the water level. The chief stated each well needed to be equipped with monitoring equipment to alert of any issues. In addition, a set of engineered plans for the cisterns would need to be drawn-up by a certified engineer and a final inspection would be required by connecting to a piece of fire apparatus to check the pump flow before approval could be given. Mr. Dryjas was asked whether he had discussed installing a dry powder/chemical system in each residence with the chief? Mr. Dryjas said he had not yet seen the chief's review letter and didn't know what was in it, but he did run two scenarios by him - adding another hydrant at the top of the property and installing individual dry powder systems.

The fire chief had addressed the issue of a second hydrant by contacting Gary Chandler of the Lower Bartlett Water Precinct (LBWP) about the capacities of this second hydrant. Mr. Chandler's opinion was that taking into consideration the topography, length of the driveways from the hydrant, and changes in elevation, there would be very limited water available to fight any fire. In addition, trying to lay a large-diameter supply line up the driveways would be difficult. Doug Garland reminded Mr. Dryjas that his original 13-lot subdivision was going to be served by Lower Bartlett Water Precinct. Subsequently, when the application was revised to eight, then four, units, it was not financially feasible for the Precinct to commit to serving that lesser-number of units. That also meant fire suppression via fire hydrants using Precinct water was no longer available.

The installation of a dry system was not addressed in the chief's letter.

The board discussed the fire chief's letter and it was felt what he was requiring was perhaps excessive for what was being proposed. Mr. Dryjas asked if the board could require individual residences to install fire suppression systems. Doug Garland said due to a recently-passed law, it was not legal for the planning board to mandate installation of fire suppression systems. However, the board could deny the application if the applicant didn't do so. He noted our subdivision regulations require some type of fire suppression system that was acceptable to the fire chief. Dryjas then enquired if he only built two houses, as were allowed on a driveway, whether all this fire suppression would be required. Julia King asked whether Mr. Dryjas had researched the installation of a dry system himself. Doug Garland agreed he should do that, then present his findings to the fire chief and ask if individual systems were acceptable. Mr. Dryjas agreed to do that, but said he could foresee it being difficult to come up with plans from an engineer specializing in fire suppression since a criteria of the design would depend on the square footage and construction materials of the units. As of now, he did not know what that would be. Mr. Dryjas asked if he did all the above, would he be fulfilling his requirements to the planning board? Doug Garland said he would assume so, but said that a covenant stating all units would have individual fire suppression installed would need to be added to the deed before he could vote for it or issue a building permit.

The board also discussed the need for Mr. Dryjas' plan to show that the ridgeline ordinance could be met by indicating a 25-ft. view corridor and what trees were going to remain. Mr. Dryjas said he wasn't exactly certain where the houses were going to be located. He was told to use a green squiggly line to show view corridor locations on the plans, including which trees would not be cut, to indicate that each property has at least one ability to comply with the ridgeline ordinance. If necessary, the locations can be changed later on.

3. Review and Approve Minutes: The minutes of the June 2, 2014 meeting were reviewed. Motion to approve the minutes, as written, made by Julia King; seconded by Rich Stimpson. Vote: All in favor.

4. Mail and Other Business:

- The board reviewed a letter from the selectmen regarding the proposed purchase of a property at 152 US Route 302 in Glen for the intent of enlarging the Glen cemetery and providing a second driveway. The selectmen were seeking the board's recommendation prior to holding two public hearings as required under NH RSA 41:14-a. The board discussed the proposal, with members agreeing it was an opportune piece of property for expansion since it abutted the existing one. However, Margaret Lavender noted how Tropical Storm Irene had flooded that area and questioned if it was an appropriate site for gravesites, should it flood again. She was told that the area has never

flooded before, and did so during Irene was an anomaly due to a very unique blockage of the Rocky Branch, which caused it to flow where it had never gone before. A motion was made by Margaret Lavender; seconded by Rich Stimpson, to acknowledge the planning board had been informed of the town's desire to purchase the above-mentioned property. Vote: All in favor.

- The board discussed a copy of letter from Horizons Engineering dated June 6, 2014, addressed to Gary Chandler of the Lower Bartlett Water Precinct. The letter detailed concerns expressed by the Precinct, and shared by Horizons, that the LA Drew gravel operation adjacent to the Precinct's well field located off Intervale Lane posed several potential risks to the wells. These risks included possible introduction of contaminants such as volatile organic and petroleum-related associated with heavy equipment operations, nitrate if any fertilizer activities occurred in the grassed areas, and chloride if snow from parking lots was stored at the facility. As part of efforts to delineate a wellhead protection area, a shallow piezometer was installed at the edge of the Drew borrow pond. Test water level data from this piezometer suggested there may be a hydraulic connection between the ponds and the wells, although quantification of the data was beyond the scope of Horizons' wellhead protection project.

Doug Garland explained how the town failed to notify pit owners in 1985 that their pits needed to be registered with the state, which resulted in the Drew pit now being considered an existing, non-permitted operation. However, if they wished to expand they would have to comply with all the regulations. David Shedd believes the board should conduct yearly inspection of all town pits, and provided a copy of a compliance checklist. Mr. Shedd felt we should focus on the Drew pit first, since there appears to be issues. David Patch offered to be involved with the inspection as did Doug Garland, if he was available. David Patch suggested a site visit with Mary Pinkham Langer should be arranged, and a list of questions established beforehand which she could hopefully address on-site. One question would be whether the side-slope requirements applied to slopes underwater, or just those above-ground. If someone fell into the pond, would they be able to get out if the side-slopes were too steep underwater? Doug Garland wondered how they were going to reclaim the pond when it came time to close the pit.

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

Respectfully submitted,
Barbara Bush
Recording Secretary