

**TOWN OF BARTLETT PLANNING BOARD
PUBLIC HEARING**

September 2, 2014

Members Present: David Publicover; Doug Garland; David Patch; David Shedd; Margaret Lavender; Julia King; Richard Stimpson. **Members Absent:** None.

Also present were Diane Smith of Thorne Surveys; Bert George; Norman Head; James and Susan Tuttle.

Chairman David Publicover opened the meeting at 7:02 pm. Before continuing, he advised that he would not be available to attend the September 16 work session.

1. Public Hearing: Clarence (Bert) George, Cobb Farm Road. File: 2014-1196. Application for a 2-lot subdivision to divide a 23.5± acre parcel into two lots containing 2.95 acres and 20.5 acres, more or less. Tax Map 5CBRD, Lot 035-LW0.

Diane Smith presented and explained this subdivision proposed to take a little less than 3 acres out of a 24 acre parcel on Cobb Farm Road. Ms. Smith said subdivision approval had been received from the state and the approval number had been added to the plan; bounds had been set; and test pits had been conducted which showed the property contained good soil. The Chairman noted the board had reviewed this application at the last work session where no apparent issues were identified. The Chairman asked if board members had any concerns or questions. None were offered.

The Chairman called for a motion to accept the application. Motion made by Margaret Lavender; seconded by Julia King. Vote: All in favor. The Chairman then opened the hearing to public comment. With no comments from the public, the public comment period was closed.

David Shedd noted a slight discrepancy in the acreage shown on the agenda and that described tonight. Ms. Smith said the figure used for the application, and shown on the agenda, was probably a little off because of rounding of figures. What is shown on the plan is correct. Applicant Bert George said this property had been taxed as having 29 acres, and asked whether he gets a tax reduction. Doug Garland responded by saying that the first, or primary acre, was taxed the highest and all the rest were taxed at a much lower rate, and the difference in taxes between twenty-four and twenty-nine acres would not be huge. Mr. George acknowledged the land was in current use, which made the tax rate even lower.

The Chairman called for a motion to continue the application to the September 16 work session. Motion made by David Patch; seconded by Richard Stimpson. Vote: All in favor.

2. Public Hearing: CRGJR Revocable Trust and JLG Revocable Trust, Yates Farm Road. File: 2014-1197. This is an application to divide a 195.8± acre parcel into two lots containing 15.80 acres and 180 acres. Tax Map 5CBRD, Lot 032-RE0.

Doug Garland stepped down from the board and presented, since this is Garland family property and he was representing his mother, Jean Garland. The Chairman noted the board had reviewed this application at the previous work session and at that time had requested that bedroom calculations for the new lot be added to the plan. These numbers had been added, and the plan was also revised to show the length of the town road as being extended down to Jean Garland's house, and the driveway easement as being increased from 20-ft. to 30-ft. in width. Mr. Garland said road frontage had been kept to a minimum and only 50.6 feet had been provided to prevent any future subdivision of the parcel.

The Chairman asked for a motion to accept the application. Motion made by David Shedd; seconded by Margaret Lavender. Vote: All in favor. The Chairman opened the hearing for public comment. No public comment was offered, and the hearing was closed. He asked if board members had any questions. Julia King asked about the plan notation which said the rebar corners were still to be set. Diane Smith said they would probably be set tomorrow. David Shedd asked if the turnaround was near the stream and if it was adequate for fire equipment to use. Mr. Garland said it was, that the road actually went across the stream and out to a gravel pit which was not shown on the plan as it was beyond the boundary of the subject properties. He said it was possible to drive across the stream. The Chairman queried whether the plan note saying that the 1.45-acre area supporting Mr. Garland's dwelling was in current use, should actually say it was excluded from current use. Mr. Garland agreed this plan note was in error and it will be corrected.

With no further questions or discussion, the Chairman called for a motion to continue the application to the September 16 work session. Motion made by David Patch; seconded by David Shedd.

Mr. Garland stepped back on the board.

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.

With nothing new submitted for this project, the Chairman called for a motion to continue the public hearing to the October 6 meeting. Motion was made by Julia King; seconded by Richard Stimpson. 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.

The approval deadline for this application had previously been extended to the October 6 public hearing.

5. Informal discussion with James and Susan Tuttle. The Tuttle were before the board to discuss their property on Town Hall Road. This property currently has a garage with an apartment overhead, which the Tuttle live in, and they were looking to build two more residences on the property. It was proposed to build the second residence as an investment, which would then be sold or rented to generate the finance to build the third dwelling as a new home for their own use. Color-coded sketches were provided showing where the houses would be located. Mrs. Tuttle said their original intention had been to build a larger home for themselves closer to the river, which they had been granted approval for. However, finances had precluded the construction of the home which is why they built the apartment over the garage. They asked whether the apartment would be considered a residence, and whether it would count towards the "two residences on a driveway" regulation. When told it would, they asked what other options were available to allow them three residences on their property.

The board discussed several scenarios with Mr. and Mrs. Tuttle. One was to build a town-spec road and have three driveways coming off it, but it was acknowledged that this would be an expensive undertaking. Mr. Tuttle said the existing driveway was of a high-quality, with a 4-ft. galvanized culvert underneath which he would rather not replace. Since the Tuttle property was 6.5 acres, it could potentially be subdivided into

two lots. When the resulting new lot was sold, the buyer could put in a second driveway, although that would mean disturbing wetlands. A third option discussed was for the Tuttle to submit building applications for both houses, which the selectmen would deny. They could then go to the ZBA to ask for a variance to allow three dwellings on a driveway. It was noted this type of variance had been granted by the ZBA in the past as a preferred option to building a second driveway and causing wetland disturbance.

6. Review and Approve Minutes: The minutes of the August 4 meeting were reviewed. In Item 4, Doug Garland noted that it was the driveway easement that was to be increased to 30-ft., not the waterline easement. A motion to approve the August 4 minutes, as revised, was made by Julia King; seconded by Doug Garland. Vote: All in favor.

The August 19th work session was not held.

7. Mail and Other Business:

- The Chairman noted a query from HEB Engineers asking what fees would be required for site plan review for an expansion of the LA Drew gravel pit. The board discussed this at length, as there is no fee structure in place for gravel pits since they are not a permitted use under our ordinance. The LA Drew pit is grandfathered and it appears they are trying to expand excavation on the lot it exists on. It was noted they cannot expand beyond that existing lot. Site plan review is subject to buildings in excess of 5,000 sq. ft., and it was believed the buildings on the gravel pit lot probably did not amount to that. David Patch noted the board can't make a decision until more information is obtained in regards to the expansion, and this will be passed onto HEB. At this point, the board does not believe that excavation falls under site plan review.
- David Shedd asked a question regarding a recent letter from the selectmen, and the board's response, pertaining to Juniper Ledge Road. Mr. Shedd said on further consideration of the issue, he wondered why the selectmen had asked the planning board to acknowledge that the road had not been constructed to town specs, when it appeared that was the responsibility of the selectmen. Mr. Shedd said it was his understanding that the planning board approved plans showing the layout of roads, and the selectmen enforced and oversaw the construction. The Chairman agreed this was a good question, and also wondered who had the legal authority to determine that the road was correctly constructed. Doug Garland said town counsel had asked the selectmen to request the planning board acknowledge that the layout of the road didn't meet the road standards, but a check of the selectmen's letter showed the planning board had been asked to acknowledge that it did not meet physical standards. After further discussion, the Chairman suggested he write a draft letter to the selectmen asking them to clarify the relative responsibilities of the planning board and selectmen's office in determining whether the approved roads have been built to proper standards. A motion was made by David Shedd; seconded by Julia King that the Chairman draft such a letter. Vote: All in favor.

With no further business, a motion to adjourn was made by Julia King; seconded by Doug Garland. Vote: All in favor. The meeting adjourned at 8:29 p.m.

Respectfully submitted,
Barbara Bush
Recording Secretary