

**TOWN OF BARTLETT PLANNING BOARD  
PUBLIC HEARING**

**April 7, 2014**

**Members Present:** Chairman David Publicover; David Patch; Doug Garland; David Shedd; Julia King; Margaret Lavender; Rich Stimpson.

Also present were Diane Smith of Thorne Surveys; David McAskill; Ginny Clifford St. Martin; Tom St. Martin; James Gale; Scott Grant; Eric Dziedzic; Chris Marcione; Norman Head.

Chairman David Publicover opened the meeting at 7:00 pm. The Chairman acknowledged new board member Rich Stimpson and invited him to share a little about himself. Mr. Stimpson said he was born on the Cape but went to school in Bartlett and described his family's involvement in the Intervale Ski Area. Board members who did not know Mr. Stimpson then introduced themselves, and also shared a little information about themselves.

**1. Public Hearing: 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.

Diane Smith presented. The Chairman noted the board had looked at the plan last meeting and said it appears that the applicants are looking for confirmation of transactions that took place 25 years ago without planning board approval. Ms. Smith explained the three original camp lots owned by Clifford, Carney, and Swett were created in the early sixties. These lots surrounded a parcel of land owned by the late John Parker, Sr. During 1988 and 1989, small pieces from the Parker lot were added to each of the camp lots, basically by boundary-line adjustments. At the time zoning was a relatively-new concept, and while the lots were recorded, the involved parties didn't obtain planning board approval believing that they weren't creating anything new, but just adding a little extra land to their existing lots-of-record. The central Parker lot was essentially dissolved by these adjustments, however a small, elongated residual area of land was left over, which is now owned by the Shyann Parker Realty Trust, Corinna Parker, Trustee. While the tax maps show Camp Loop Road as running through the left-over lot, it does not appear to be a separate lot which is taxed.

Ms. Smith said had any of these old transactions been financed through a bank or been subject to a title search, this would never have happened, but they were more-likely done with a handshake between neighbors. She said a pending sale of land in the area now has the bank wanting title research done and a plan recorded that the planning board has reviewed. Doug Garland said at first glance, this appeared a simple application which made non-conforming lots a little more-conforming. However, the non-conforming left-over lot makes it more complicated. He expressed concern about setting a precedence if the board just okayed it, and asked what would stop the same thing from happening again. Julia King disagreed with setting a precedence, and said each case would be looked at on an individual basis. David Shedd asked whether the mergers would have been approved had the applicants come to the planning board in 1989? Ms. Smith said she would have to say they wouldn't. While they were small pieces of land being attached to created lots-of-record, which made them somewhat more conforming by enlarging them, the board could not approve the creation of a new non-conforming lot. It was suggested the simpler solution would be to get rid of the orphan lot by merging it with the two abutting lots. Diane Smith said that would need the approval of the owner, whom she has tried to contact but who had not returned her calls.

The Chairman suggested the board seek advice from the Municipal Association as to the correct way to deal with the situation. David Patch agreed. Doug Garland asked how he would pose the question to them. The Chairman said he would describe the applicant's desire to confirm transactions that took place twenty-five years ago which almost dissolved the lot but which left over a small strip that was more non-conforming and which would probably not have been approved had it come before the planning board. Ms. Smith said she would email the Chairman a PDF file of the plan which he could forward to the Municipal Association to help explain the situation. Ms. Smith was also asked if she could determine the square footage of the left-over Parker lot.

The Chairman then opened the hearing to public comment. Abutter David McAskill expressed concern that his right-of-way access would be affected, since his only other access had been destroyed during Tropical Storm Irene when the road was washed away. He was advised that if he had a legal deeded right-of-way, that this wouldn't change anything and he would still have it. Abutter Scott Grant said what was being proposed was good for the neighborhood and urged the board to approve it at all costs. With no further questions, the public comment was closed.

A motion to continue consideration of the application to the April 15 work session was made by David Patch; seconded by Doug Garland. Vote: All in favor.

**2. Continuation/Final Approval: Attitash Mountain Service Company (AMSCO), Blocks F & 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 Chairman described the history of this application for the benefit of new member Rich Stimpson. No new information had been submitted for this meeting and the conceptual design and waiver requests were still in the process of being reviewed by Burr Phillips. A motion to continue the public hearing to the May 5 meeting was made by Doug Garland; seconded by Rich Stimpson. Vote: All in favor.

**3. 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 Chairman again described the history of this application for the benefit of new member Rich Stimpson. An updated plan had been submitted bearing the revised waiver wording that had been suggested by the Chairman. The wording was read aloud to see if the board had any issues with it. The Chairman said the substantial matter still outstanding was the issue of fire suppressant, which was awaiting sign-off by the fire chief. A motion to extend the decision deadline for one month until May 5, 2014 was made by Doug Garland; seconded by Margaret Lavender. Vote: All in favor.

**4. Site Plan Review: Festival Fun Parks LLC, dba Story Land:** This is a requests to determine whether site plan is required for a 28x28 shed at Story Land.

The Chairman outlined the purpose of site plan review for Rich Stimpson and described how the planning board had the authority to review an application beforehand to determine whether it would be required or not. Chris Marchione and Eric Dziedzic presented and advised they were proposing to move the existing roller ball game into a new 28x28 building closer to the roller coaster, and to use the existing building as storage. Mr. Dziedzic said the only change to the roller ball game would be that the horse images would be changed to dinosaurs, which complemented the dinosaur theme of the "roarasaurus" roller coaster. Doug Garland verified that it wasn't planned to eliminate any building square footage, but to add a 28x28 building. He asked if the project involved any wetland disturbance, and was told it did not.

The Chairman asked if the board had any questions. Julie King asked how much land Story Land had left to develop, and whether there were any plans to add attractions to serve the older 12-year-old bracket. Mr. Marchione said the park still had plenty of land left, and Mr. Dziedzic said that the goal was to attract the younger children, up to eight years of age. He said there were no specific plans to cater for older children. Ms. King asked if the park had a master plan. Mr. Dziedzic said there was one in the works and said he would make sure the board received a copy when it was finalized. Margaret Lavender acknowledged Story Land had been around for a long time, but noted that ownership had changed to a corporate owner about eight or nine years ago. She said under site plan regulations, one of the activities that could trigger site plan review was projects involving a property that had never been subject

to site plan review for previous non-residential use. Based on the fact that Story Land still had land available, she felt the corporate owner would be looking to expand Story Land and make it grow. She wondered whether the board should take this opportunity to impose site plan review. The Chairman said his thought was that given this is a fairly small impact within the existing footprint of the park, he did not think this was the time to do it. If the park ever expanded outside of what is developed now, it would be looked at more closely then. While agreeing that the building was relatively small in terms of impact, Doug Garland said the size of the buildings wasn't the only thing to consider. He asked about the noise associated with the new roaring game. Mr. Dziedzic explained that the game itself didn't make a noise or roar, although a bell did sound when the game was finished. He said the roaring theme was based on a story developed by Story Land about a dinosaur named Rory who had lost his roar. Julia King and David Shedd were not opposed to conducting site plan review. David Patch did not feel it was warranted for this application. Doug Garland felt the decision should be made at a public hearing with public and abutter noticing. The Chairman explained the regulations allowed for an applicant to come before the board for a determination as to whether site plan review was required. If the board directed it was, the applicant would then submit a formal application where full public notification and a public hearing would take place. David Patch agreed that this was the procedure previously agreed to by the board. The Chairman wondered whether the board had the authority to hold a public hearing if it was not required by the RSA. He said it was a matter he would bring-up with the Municipal Association.

After a further brief discussion, a motion was made by Julia King that site plan review for the proposed storage shed at Story Land not be required; seconded by David Patch. Vote: 6-1-0 (Shedd opposed).

**5. Review and Approve Minutes:** The minutes of the March 18, 2014 meeting were reviewed. Motion made by Julia King; seconded by Doug Garland to accept the minutes as written. Vote: All in favor.

**6. Mail and Other Business:**

- Items listed on the agenda were reviewed.
- A copy of a NHDES Alteration of Terrain Permit submitted by HEB Engineers for expansion of the LA Drew gravel pit was reviewed. The expansion is being proposed on the same lot as the existing pit. The board had questions as to whether the current pit would need to be reclaimed; bonding requirements; whether it conformed to RSA155.D.4; and whether it was part of a grandfathered pit. A decision was made that David Shedd would seek advice from Mary Pinkham Langer and he took the copy of the application and plan.

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

Respectfully submitted,  
Barbara Bush  
Recording Secretary