

**TOWN OF BARTLETT PLANNING BOARD
PUBLIC HEARING**

October 6, 2014

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

Also present were Seth Burnell of HEB Engineers; Wesley Smith of Thorne Surveys; Debra Shade.

Chairman Publicover opened the meeting at 7:05 pm. He thanked David Patch for chairing the September work session in his absence.

1. Public Hearing: Russell Family Revocable Trust of 2000, Dorothy I. Russell, Trustee, and Jason C. Young, Route 16/302. File: 2014-1198. Application for a boundary-line adjustment of 0.49-acre between Tax Map 1RT16, Lot 295R00 (Young) and Tax Map 1THORN, Lot 054L0B (Russell).

Seth Burnell presented. The Chairman noted the board had reviewed this application at the previous work session and had not identified any major concerns. Mr. Burnell outlined what the adjustment was proposing to do, which was for Dorothy Russell to remove approximately half-an-acre from her holdings and add it to property belonging to her grandson, Jason Young. The board reviewed the plan for compliance. David Shedd noted it showed the Russell property was comprised of Lots A, B, and C and asked if any other lands were involved. Mr. Burnell acknowledged there were additional Russell properties, but that they were not part of in this boundary-line adjustment.

The Chairman asked if the board had any further questions. With none, he called for a motion to accept the application. Motion made by David Patch; seconded by Richard Stimpson. Vote: All in favor. The Chairman then opened the public comment period. Debra Shade, a resident of Pear Mountain, asked where Russell Ridge Road was located. She was shown its location on the plan. With no further public comment, the session was closed. The Chairman asked if the board had any further questions. With none, he called for a motion to approve the application. Motion made by Doug Garland; seconded by David Patch. Vote: All in favor. A mylar was provided for recording.

2. Public Hearing: Ronald R. Aquino, Saco Ridge Road. File: 2014-1199. Application for a boundary-line adjustment involving an equal exchange of 2,992 s.f. (0.07-acre) of land between Tax Map 6SACOR, Lots 11-SA0 and 11-SA0. Both lots are owned by the applicant.

Wes Smith presented. The chairman noted this application had been reviewed at the previous work session, but the board had had difficulty understanding where the new boundary line and the one being extinguished were located. At this meeting, Mr. Smith provided a more-detailed plan in which the lines were clearly identified. Mr. Smith said Mr. Aquino owned a very small homestead lot and a larger abutting lot, and described how he needed to use an area between his patio and a garden as a replacement area for a failed septic system. Mr. Smith said there was nowhere else to locate the system as the terrain at the rear of the small lot was very steep. To accommodate the new system, an equal-area adjustment was proposed which exchanged useable land from the larger lot for steep, unusable land on the smaller one. The adjustment also allowed gardens and an associated shed to be located on the homestead property.

The board reviewed the plan. Doug Garland noted the plan stated the rebar corners were to be set, and asked whether that had been done. Mr. Smith said he believed it had, but will check with his survey crew. He said the plan to be recorded will definitely show the corners as being set. A brief discussion ensued regarding an existing corner which had not been located. Mr. Smith said it was positioned on top of the steep bank and the fact the surveyors did not find it, did not mean it was not there.

The Chairman asked if the board had any further questions. With none, he called for a motion to accept the application. Motion made by Margaret Lavender; seconded by David Shedd. Vote: All in favor. The Chairman then opened the public comment period. With no public comment, the session was closed. The Chairman asked if the board had any further questions. With none, he called for a motion to approve the application. Motion made by Richard Stimpson;

seconded by David Shedd. Vote: All in favor. Mr. Smith said he would drop a mylar off for recording which would show the set corners.

3. Public Hearing: Stuart F. Robertson, Jr. Revocable Trust of 2008, Stuart F. Robertson, Jr., Trustee, Route 16A. File: 2014-1200. Application for a boundary-line adjustment involving three lots owned by the applicant. It is proposed to remove 2,414 s.f. (0.06-acre) from Tax Map 1RT16A, Lot 063L01 and add it to Lot 071L00; then remove 14,499 s.f. (0.33-acre) from Lot 063L01 and add it to Lot 066L00; then remove 2,414 s.f. (0.06-acre) from Lot 071L00 and add it to Lot 066L00.

Wes Smith presented and provided colored plans which helped clarify what was being proposed. He explained that Lot 066L00 was approximately one-third of an acre in size, but that it supported a four-unit apartment building. The apartments had experienced a failed septic system and were in need of a new one, but there was simply nowhere to locate it on the current lot. To provide an area to accommodate the new system, land was being added from two abutting lots: Lot 063L01, a two-and-a-half acre landlocked parcel with a deeded right-of-way, and Lot 071L00, a 1.6-acre parcel which contained an existing residence.

The board reviewed the plan, and with Mr. Smith's assistance came to an understanding of how the adjustments were being proposed among the three lots. The Chairman asked if there were any questions. David Shedd noted that the plan showed a single lot with two lot names and numbers on it. Mr. Smith said he had no explanation for why that was, and that the lot owners had no explanation, either. He said both parties had been sent certified abutter notices. Mr. Smith advised he held-off setting the rebar corners in case the board had any questions or concerns about what was being proposed, but they will be set and shown on the recording plan.

The Chairman called for a motion to accept the application. Motion made by Julia King; seconded by David Shedd. Vote: All in favor. He then opened the public comment period. There were nobody in the audience to speak, and the public comment period was closed. He asked if the board had any questions. Doug Garland noted that the lot containing the failed septic and a four-unit apartment was so non-conforming that it was ludicrous. He said that because the lot was now undergoing a change, he thought it was possible to require the owner to bring it into compliance since he owned the abutting land and had the ability to do so. David Shedd noted that if boundaries were moved to meet MLAR, that one of the abutting lots would be swallowed-up. Mr. Garland conceded that resolving the septic issue was the most important issue in this case and he was happy that was done. He reminded Mr. Smith that Bartlett only allows 75% of what the state allows for septic calculations, and asked whether the 25% reduction was taken when the system was designed. Mr. Smith assured him that it had, and said a test pit will be conducted at the new septic location.

The Chairman called for a motion to approve the application. Motion made by Margaret Lavender; seconded by David Patch. Vote: All in favor.

4. 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 public hearing for this application had previously been continued to this meeting, but with nothing new submitted tonight, a motion was made by Doug Garland; seconded by David Patch to continue it to the November 3 meeting. Vote: All in favor.

5. Continuation/Final Approval: Red River Properties Development Corp., Highland Road (Mark Dryas). 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 Mr. Dryas in which he advised that he had spoken to the fire chief to ask if he would consider individual fire suppressant sprinkler systems for his proposed residences, in lieu of the extensive wells and storage system originally proposed. The fire chief had responded that he would need to have a written directive from the planning board before he would consider the issue. Mr. Dryas asked that the board send a written request to the

chief. Mr. Dryjas also asked if it would be possible to request the board to vote on whether they would consider approval of this subdivision without any provision for fire suppressant systems and depend upon the existing location of fire hydrants, etc. Mr. Dryjas was of the opinion that he should not have land rendered useless by such requirements, and felt if an individual decides to build a home in a more-remote location, it should be their own responsibility with regard to the danger of the risks of fire. Also, a great number of people do not want such fire suppressant systems with the intrinsic risks that come with them, and he was personally of the opinion that such decisions should be left with the individual owning the property. Mr. Dryjas went on to say that he fully recognized that not everyone would agree with his point of view, but he would appreciate the board's vote on whether this should in fact be required in this particular case. After discussion, the board was not amenable to approving the plan without addressing fire protection, particularly since it was a condition of subdivision approval.

Various alternatives to provide reasonable fire protection for Mr. Dryjas' dwellings were discussed, as allowed for under Section V.D of the subdivision regulations which states that "adequate provision has been made for a source of water *or other system* for firefighting purposes as approved by the fire chief." One item discussed was to require a deed restriction, homeowners' association covenant, plan note, or other document stating that prior to the issuance of a building permit for any unit, the selectmen shall be provided with plans for individual fixed fire extinguishing systems prepared by a fire protection equipment technician who was licensed in the state of New Hampshire. Before an occupancy permit was issued, the selectmen will be provided with certification from the licensed technician certifying that the system had been installed correctly and was properly functioning. The Chairman said he would prepare a draft letter to the fire chief to obtain his feedback on the above proposal, which the board could discuss at the upcoming work session. He called for a motion to extend the decision deadline for sixty days, or until the December 1st public hearing. Motion made by Richard Stimpson; seconded by Julia King. Vote: All in favor.

6. Patch's Market, Route 302, Glen: Site Plan Review determination: The board reviewed a request from Ronald Patch of Patch's Market for a determination as to whether site plan review is required to "fill-in" a 19' x 23' area on the rear corner of Patch's Market by adding two walls, to increase the size of an existing storage room.

David Patch offered to step down but the board agreed they would prefer him to stay to answer any questions. A sketch was reviewed, but it was noted that it was very out-of-date. However, board members were very familiar with the building, having patronized the store, often on a daily basis, so it was accepted as adequate. After discussion, it was felt the added storage area would make the business more functional and since the walls were already existing it didn't really expand the sides of the building; and it did not involve any change of use or increase in use. The Chairman asked if anyone would like to make a case that site plan review would be required. With no response, he called for a motion that site plan would not be required. Motion made by Julia King; seconded by Margaret Lavender. Vote: All in favor. A letter will be forwarded to the selectmen advising of the board's decision.

7. Review and Approve Minutes: The minutes of the September 16, 2014 meeting were reviewed. A motion to approve the minutes, as written, was made by Margaret Lavender; seconded by David Patch. Vote: All in favor.

7. Mail and Other Business:

- Items noted on the agenda were reviewed.
- The Chairman read an email from town counsel responding to a request made to the selectmen asking for clarification relative to the responsibilities of the planning board and selectmen's office in determining whether approved roads have been built to proper standards.
- Julia King requested that she be put on the work session agenda to share information from the Mt. Washington Valley Regional Roundtable Advisory committee.
- David Shedd asked about inspecting the gravel pits. He said he'd like to do it before winter and asked if he should schedule something. The board agreed.

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

Respectfully submitted,
Barbara Bush
Recording Secretary