

**TOWN OF BARTLETT PLANNING BOARD
PUBLIC HEARING**

September 8, 2015

Members Present: David L. Patch; David Shedd; Richard Stimpson; Scott Grant.

Members Absent: Chairman David Publicover; David A. Patch; Peter Gagne.

Others in attendance included Philip Franklin and Norman Head.

The meeting was chaired by Vice Chairman David L. Patch who opened the meeting at 7:10 pm. He asked Alternate Philip Franklin to join the board due to the absence of three members.

1. Minutes: The minutes of the August 3, 2015 meeting were reviewed. Motion to approve, as written, made by Scott Grant; seconded by David Shedd. Vote: All in favor. The work session of August 18, 2015 was not held.

2. Continuation/Final Approval: Attitash Mountain Service Company (AMSCO), Block G, Stillings Grant. File: 2013-1187. Application for subdivision of Stillings Grant Block G into 40 residential units. Tax Map 5STLNG, Lot G00.

A motion to continue the public hearing for this application to the October 5, 2015 meeting was made by Scott Grant; seconded by Rich Stimpson. Vote: All in favor.

3. Master Plan Discussion: Chairman Publicover had provided the final revised version of the master plan for the board's review. A red-line version of Section IV, Vision, Challenges and Recommendations, and a draft copy of a letter to the editor which informed the public of the upcoming public hearing and explained the revisions were also provided. The board reviewed the material and took it home to read more fully. A motion was made by Scott Grant; seconded by Rich Stimpson to approve the wording of the letter to the editor. Vote: All in favor.

4. Mail and Other Business:

- **Attitash Mountain Service Company (AMSCO), conceptual boundary-line adjustment at Stillings Grant:** Phil Franklin stepped down since he was an abutter to this project. A letter from Atty. Ken Cargill of Cooper Cargill Chant regarding the board's decision to require the submission of an amendment to the subdivision plan in conjunction with a proposed boundary-line adjustment at Stillings Grant for AMSCO was reviewed. In the Chairman's absence, he had provided a written response to the letter which provided several options for the board's consideration. The board discussed the options. David Shedd noted the zoning ordinance required that "a permanently-designated open space shall be maintained .." and felt that meant once the open space area was designated, that it couldn't be changed. He said he was concerned about setting a precedence should this BLA be allowed. He further noted that the two lots being adjusted did not touch each other, but were being adjusted into a common area which has no tax number and which nobody paid taxes on. He said he had researched this with the selectmen's administrative assistant, who felt that the common land would normally be taxed as a lot, but this was likely shared by all the lot owners and was included in their tax assessments. David L. Patch said he recalled that common land was eventually transferred to a homeowner's association, and asked realtor Norman Head whether that was correct. Mr. Head said that the transfer should have happened by now since so many of the lots had been sold. David Shedd asked what would prevent the developer from holding off selling the last lot so that the transfer to a HOA did not take place, thus allowing him to adjust the boundary of any lot into the common area for his own benefit. He noted previous efforts by the developer to move lots and boundaries around in other blocks, and felt this was just another effort to do the same thing. David L. Patch said he didn't think it gets down to the last lot, that it had to be transferred long before that, but acknowledged Mr. Shedd had a valid point. He also didn't feel that this would set a precedent, saying every case was considered on a case-by-case basis. He noted the four choices suggested by the Chairman, and said in his opinion he would like to seek advice from town counsel. Several members agreed, but after further discussion a suggestion was made by Norman Head to ask the applicant to come back in and talk to the board and try to work with them. This was agreed to, especially since three new members had not been present when the proposal was

originally presented to the board. It was noted this BLA was conceptual at this point, and a formal application had not yet been submitted.

With no further business, a motion to adjourn was made by Scott Grant; seconded by Richard Stimpson. Vote: All in favor. The meeting adjourned at 7:35 p.m.

Respectfully submitted,
Barbara Bush, Recording Secretary