

**TOWN OF BARTLETT PLANNING BOARD
PUBLIC HEARING**

March 2, 2015

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

Also present were: Shawn Bergeron and Philip Franklin.

Chairman Publicover opened the meeting at 7:06 pm.

1. Continuation/Final Approval: William Duggan, Cobb Farm Road. File 2015-1203. Application to subdivide a 2.94-acre parcel on Cobb Farm Road into two lots, containing approximately 1.47-acres each. Tax Map 5COBRD, Lot 35W1.

The Chairman noted the board had reviewed the application at the public hearing and had found no concerns. He asked whether the board had any further questions or comments. With none, he called for a motion to approve the application. Motion made by Margaret Lavender; seconded by Richard Stimpson. Vote: All in favor.

2. Continuation/Final Approval: Robert J. Tafuto & Andrew P. Fisher, Jericho Road: File 2015-1204. Application to subdivide an 8.13±-acre parcel of land on Jericho Road (fka Jenks Hill Road) into 4 lots as follows: Lot 1 = 1.82 acres; Lot 2 = 2.02 acres; Lot 3 = 2.85 acres and Lot 4 = 1.44 acres.

The Chairman noted the board had also reviewed this application at the public hearing. He asked whether the board had any further questions or comments. Doug Garland asked whether abutter Scott Grant had expressed any concerns. He was told that Mr. Grant had stated he was not opposed to the subdivision and had verified that the soils on the property were the same as those on his land across the street. The Chairman called for a motion to approve the application. Motion made by David Patch; seconded by Julia King. Vote: All in favor.

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.

A motion was made by Margaret Lavender; seconded by Doug Garland, to continue the public hearing for this application to the April 6, 2015 meeting. Vote: All in favor.

4. Follow-up discussion with Bergeron Technical Services re site plan review for Grant's Supermarket: Shawn Bergeron was before the board again as a follow-up to his previous presentation regarding the need for site plan review. At the February 2, 2015 public hearing, the board had voted to require site plan review for the proposed 8-ft. extension to the front of Grant's supermarket. At that meeting, one of the issues discussed was whether the rooftop utilities could be made less noticeable. Mr. Bergeron presented a series of color photos taken from abutting businesses and locations, which showed the vents were most noticeable from the Circle K gas station, and less so from Glen Junction across Route 302, and the former Family Dollar building across the parking lot. David Patch said he had purposely looked at the venting when he drove past Grants, and reported that he could hardly see them. Mr. Bergeron said he had contacted American Air Supply, who installed the heating and cooling vents five years ago, who advised that painting the vents to match the color of the mansard and roof would be the only viable solution that would not void their warranty.

Mr. Bergeron read the submission requirements for site plan review, and said he felt most of the items had already been addressed at the previous meeting. He said one of the requirements was to conduct a boundary survey, topographic survey, and a drainage study. Since this was an existing, grandfathered site, Mr. Bergeron felt there was no value in doing those surveys, and said he would have a hard time asking the owner, Dan Craffey, to expend an extra ten thousand dollars to perform the work. Doug Garland suggested Mr. Bergeron could request a waiver

for these items. To provide greater protection to the front of the building, Mr. Bergeron also described how the extension would be constructed of brick veneer supplemented by concrete reinforced bollards. This extra protection would allow vehicles to park closer to the front of the building, thus providing a wider travel lane between the two rows of parking than shown on the plan. Mr. Bergeron said there would be a loss of one parking space directly in the front of the building, but a large parking area was available right next door to the supermarket. He said although a separate lot, it was also owned by Mr. Craffey.

The board agreed that the addition would improve the appearance of the building greatly, and the architectural design met with their approval. Mr. Bergeron said that since most of the items that would come up at site plan review had already been discussed, he wondered if site plan review was now really necessary, and respectfully requested the board to reconsider their previous decision. Doug Garland said he didn't mind rescinding the motion, but wanted to have something tied into it to ensure the roof vents were painted. He asked Mr. Bergeron whether the plans presented tonight would be the same as the ones to be used when he applied for a building permit. Mr. Bergeron assured him they would be the same set of plans, but that he would add a note saying the roof vents would be painted to match the roof. This caused the Chairman to ask whether the selectmen and the building permit actually had the authority to enforce what was shown on the plan if it didn't go through site plan review. Doug Garland said that without the benefit of site plan review they probably didn't, but he didn't feel the vents were enough reason to require it. David Patch noted that nobody was going to risk their integrity over something as mundane as painting a few roof vents.

The Chairman expressed his opinion about waiving site plan review and explained why he felt it should go forward. He said the board needed to be consistent, and he was concerned about setting a precedent. He felt it was relying on an act of faith that items the board wants done would be done. He wondered if site plan review could be waived with conditions attached. Shawn Bergeron explained how he was facing time restraints, as the applicant was hoping to have the work completed by Memorial Day in readiness for the summer season. He said he was ready to put the project out to bid immediately, and recalled that two weeks ago he was en-route to the work session to discuss this with the board, when he was notified that it had been canceled due to there being no quorum. The Chairman noted that if site plan review took place, unlike subdivisions, it could be heard and approved the same night.

After discussing the issue further, Margaret Lavender made a motion to reverse the vote that site plan review would be required. The motion was seconded by Doug Garland. Mr. Garland then made a motion to amend the motion by adding the conditions that the plans currently presented to the planning board would be the plans presented to the selectmen as the building permit plans, and that the ductwork will be painted a compatible color with the roofing. Motion was seconded by David Patch. The Chairman explained that a motion had been made and seconded to reverse our decision, then another motion had been made and seconded to amend the previous motion. He said we needed to vote on the motion to amend the original motion, then vote on the motion to rescind as amended. He called for a vote on the motion to amend the motion to reverse our decision, making reversal conditional upon them following the plans as presented with the added condition that the vents be painted to match the roof. Vote taken: 6-1-0 (Julia King voted no). He then called for a vote on the original motion, as amended, to reverse our decision with the specified conditions. Vote taken: 6-0-1 (Julia King abstained). The secretary will advise the selectmen that site plan review for the proposed extension of Grant's Supermarket will not be required. Mr. Bergeron thanked the board for their decision.

5. T-Mobile modification to chimney tower on Attitash Mountain Village: The Chairman explained that T-Mobile had submitted a building permit application to the selectmen seeking to modify an existing PWSF (personal wireless services facility). The PWSF was a stealth chimney tower located on the hospitality center at Attitash Mountain Village, and the modifications being proposed was to extend it by four feet to accommodate extra antennas. Since the planning board is responsible for overseeing the telecommunications ordinance, the application had been forwarded to the planning board for review, to determine whether the proposed modifications complied with the regulations. The Chairman explained how he had been made aware of a new law which took effect in September 2013. He read an excerpt from SB101, Chapter 267, (RSA 12-K:10) which stated, "Collocation applications and modification applications shall be reviewed for conformance with applicable building permit requirements but shall not otherwise be subject to zoning or land use requirements, including design or placement requirements, or public hearing review." The Chairman said this wording made it pretty clear that the modifications only had to comply with building permit requirements, and the planning board could not require a public hearing. This did not apply applications for a new PWSF, but once a tower was already approved and was existing, it appeared that the board could not put impediments in the way of modifications that enabled it to

stay upgraded. The board reviewed the plans, and the chairman read relative portions of the telecommunications ordinance. After a discussion, during which Doug Garland expressed that the “chimney” should not be considered a chimney but a structure, the board determined that the proposed modifications to the tower conformed to the standards of the telecommunications ordinance. The Chairman called for a motion to convey that finding to the selectmen. Motion made by Richard Stimpson; seconded by Julia King. Vote: All in favor.

6. Meeting with Philip Franklin: The Chairman introduced Mr. Franklin, whom he said had read his letter in the paper soliciting candidates for the planning board, and was offering his services to act as an alternate. The Chairman invited him to share a little about himself. Mr. Franklin said he lives in Stilling’s Grant after having moved to Bartlett from Connecticut in June of last year. Mr. Franklin said he had been visiting the area for thirty years, but after retiring from the Hartford Insurance Group had moved here full-time. He said he had chosen to live in Bartlett because it reminded him of his hometown of Cromwell, CT in its olden days. He felt it was important to be involved in the community, and described how he had helped Norman Head with the Joseph Church project and the historical society. Mr. Franklin explained what he saw his role as a planning board member as, and said it was his intention to be at as many meetings as possible. Doug Garland agreed it was important to keep a full board, not just a quorum. Mr. Franklin chatted with the board a little longer, and offered his opinion regarding common land at Stilling’s Grant, in response to a board member’s question. The Chairman asked if there was a motion to appoint Mr. Franklin to the planning board as an alternate. Motion was made by David Shedd; seconded by Doug Garland. Vote: All in favor.

7. Review and Approval of Minutes: The minutes of the February 2, 2015 meeting were reviewed. The Chairman noted the word “increase” needed to be added at the end of the first paragraph of Item 4, Grants Supermarket, to read “..no increase in intensity...” Item 9: Mail and Other Business, Bullet 1, last sentence, David Shedd requested remarks attributed to him be revised to read, “ ...that the cease-and-desist order had been lifted.” Motion to approve the minutes, as amended, made by Julia King; seconded by David Patch. Vote: All in favor. The February 17, 2015 work session was canceled, due to there being no quorum available.

8. Mail and Other Business:

- The Chairman asked Doug Garland about the warrant article regarding the transfer of authority over roads from the planning board to the selectmen that the selectmen were proposing for the 2015 town meeting. The wording was already published in the town report, and Mr. Garland said since the article did not involve a monetary consideration, the selectmen did not take a position on it. The Chairman said he would make a public comment at town meeting when the article came up for vote, and asked the board to make a formal vote as to whether they were in support of the article. After discussion, a motion was made by Margaret Lavender; seconded by David Patch to support the warrant article transferring authority to review road plans from the planning board to the selectmen. Vote taken: 5-0-2, Shedd and King abstained.
- David Shedd and Margaret Lavender indicated they would like to receive emails of public notices at the same time they were publicly posted.
- The discussion with Philip Franklin regarding Stilling’s Grant prompted discussion of AMSCO’s proposed upcoming boundary-line-adjustment involving their common land and two other lots. The Chairman said, after consideration, he believed that AMSCO would need to submit a concurrent amendment to subdivision as well, since the common-land boundaries were affected. He indicated he would contact AMSCO and advise them of this. Doug Garland cautioned that the letter should not indicate the board’s approval of the BLA in any way.

With no further business, a motion to adjourn was made by Julia King; seconded by David Shedd. Vote: All in favor. The meeting adjourned at 8:50 p.m.

Respectfully submitted,
Barbara Bush, Recording Secretary