

**TOWN OF BARTLETT PLANNING BOARD
WORK SESSION**

April 19, 2022

Members Present: Scott Grant; David L. Patch; Kevin Bennett; David Shedd; Michael Galante; Joe Heuston. Gus Vincent arrived at 6:15 pm. **Members Absent:** None.

Also Present: Burke York of York Land Services; Jason Thibodeau; Joe Rogerson; Dan Sullivan from Alpine Builders; Steve Paul; Michael Dewar.

1. Pledge of Allegiance: Chairman Scott Grant opened the meeting at 6:00 pm. He led all present in the Pledge of Allegiance and reviewed items on the agenda.

2. Continuation/Final Approval: Jason Thibodeau, 271 US Route 302, Glen, NH. File: 2022-1280. Application to subdivide a 3.88-acre parcel into two lots containing 1.32 and 2.56-acres each and sharing a common driveway. Tax Map 2RT302-3, Lot 133-L00.

Burke York presented and introduced several contractors working on the project who were in the audience. He provided a 11x17 plan to for each board member to review the overall project. Mr. York said state subdivision approval had been received, the title block had been changed to read 2-lot subdivision instead of minor subdivision, and bedroom calculations showing the number of bedrooms each lot could support had been added to supplement the percentage numbers, as this made it easier for the selectmen to keep track of bedrooms when issuing building permits. David Shedd asked if anything else had changed on the plan since the last meeting. Mr. York said the DOT had asked him to remove the draft driveway permit number because they were going to issue a new number once the plan was approved. They also wanted the notation on the northern driveway which read “existing gravel drive not permitted to be discontinued” taken off the plan, as that driveway was going to be removed from the subject property. Mr. York said that was it.

Mr. York said another reason he was here was to talk to the board about its policy of holding the mylar for the 30-day appeal period before sending it in for recording. He said he had called around to see if other towns in the area followed the same procedure, but could not find any who did. He described how it held contractors up, which is why the contractors were present tonight in support of Mr. Thibodeau. He explained how Mr. Thibodeau’s custom log home was milled in Canada and entailed a lot of coordination and logistics to have it delivered to his site in Glen. Mr. York said he was asking for mercy in this instance to allow the mylar to be recorded as soon as the application was approved on May 2 so a building permit could be issued. Mr. York was asked why he wanted to wait until May 2 for approval, as the application could be approved tonight since the 14-day wait period between the public hearing and date of approval required by the subdivision regulations was up yesterday. When Mr. York said he thought he had to wait 30 days, the wait period and appeal period were explained to him. The Chairman said we were now dealing with two issues; approval of the application and the 30-day hold of the mylar. He said approval of the application needed to be dealt with first and called for a motion to approve the application. Motion was made by Joe Heuston; seconded by David Patch. The Chairman asked if there was any discussion. David Shedd addressed a conversation he had with a local resident who took exception to the fact that access to the river was being lost due to this project. The person was identified as George Weigold, and a copy of an email he sent was provided to board members for discussion tonight. The email had been sent on April 4, but arrived after the meeting had ended, so the board was not aware of its existence. However, at the April 4 meeting, Mr. Shedd had

advised of his interaction with Mr. Weigold. Mr. Weigold's email stated he had used a road running through the east side of the property to access the river for fly fishing since 1974. He suggested there was a potential that this use could meet the requirements for a prescriptive easement and stated the present owner acknowledged that the public had used the area by putting up no trespassing signs and a snow fence. Mr. Weigold felt the access could be re-routed so as not to infringe on the lot, house location, driveway, etc. He further stated that he had seen up to ten cars parked in the driveway overnight at the existing residence, and had been told that people had seen up to 25 cars parked there. He suggested there was extreme septic loading on the property.

Burke York said he had seen a copy of the email and read the claim that 25 cars were parked in the driveway. Mr. York said his client took exception to that statement as this was a very expensive custom-built log home and the interior finish was fantastic, so his client was not promoting parties. Mr. York said he had polled people he knew in the area and they stated they had never seen instances of that many cars at the residence. David Patch said he drove by pretty often and he had never seen any, either. David Shedd asked how should the board respond to input received from the public in writing, when it asked specific questions regarding septic loading. It was decided this was not something the planning board had purview over and the selectmen had been made aware of the matter. Burke York said the septic design for the new Lot A was four bedrooms and should the owner ever wish to expand, the loading calculations showed it would support a total of nine bedrooms. With the discussion ended, the Chairman called for a vote on the motion and second to approve the application. Vote: 6-0-1, with Gus Vincent abstaining. Mr. York said he would provide a mylar which the Chairman offered to sign out-of-session. Mr. York asked how the selectmen would know this application had been approved, but wasn't recorded, when his client applied for a septic application and building permit. He was told their representative, Gus Vincent, would inform them.

The 30-day wait before recording the mylar was briefly discussed, with Mr. York suggesting the board revisit this requirement. Jason Thibodeau, introduced himself to the board and explained why he was hoping that the 30-day period could be waived, saying the Canadian company who built these custom log homes charged a high storage fee if the home could not be transported off their lot to its final destination in a timely manner. He said he took unfounded rumors of 25 cars being parked at his house very personally, saying this was his family compound which was also used by friends. He said since he was planning on building more log homes in town, it was also used as a show/model home for his business. He addressed the issue of access to the river by saying he had erected no trespassing signs after experiencing vandalism and people spray painting his trees and leaving trash on his property. He attributed these actions to people being upset with him, but assured the board he was not trying to cause trouble for the town. He said he bought the land not knowing it was a local hot spot; it was for sale and he simply purchased it. Mr. Thibodeau said some locals now feel like he has taken something away from them, but that was not done on purpose. The Chairman noted this had never been town-owned property, but had always been privately-owned. He said he had not heard any negative comments on the way Mr. Thibodeau was developing it. David Patch said he grew up right in the area and people simply took access to the river for granted. He said the same thing happened when they closed Second Iron in Bartlett. People were up in arms but things eventually blew over. Mr. Thibodeau said he had spoken to the parents of local kids to inform them they could still go fishing there, and it was just the vandalism he was trying to stop.

3. Continuation/Final Approval: Attitash Mountain Service, LLC, Block F, Stillings Grant. File: 2022-1279. This is an application to subdivide Stillings Grant Block F into 12 residential units, and the extension of Cave Mountain Road right-of-way. Tax Map 5STLNG, Parcel F00-0.

Although this application had been continued to the May 2 meeting, a long discussion regarding it ensued during review of the minutes.

4. Review and Approve Minutes: The minutes of the April 4, 2022 meeting were reviewed. David Shedd questioned the accuracy of the minutes as they pertained to a question he had asked about who was responsible for installing the fire hydrants on Parker Ridge Road. Mr. Shedd said it was his understanding that Mr. Berry said it was the homeowners. There were differing recollections of what was said and the Otter translation was very poor. David Patch said while he was not 100% sure, he thought Mr. Berry said it was the developer's responsibility to install the hydrants, and the homeowners' responsibility to maintain them. Mr. Patch said he also recalled saying that through Block F, we're all good, but come Block G, all the fire suppression needs to be in place before being approved. David Shedd said at the first meeting he asked whether there could be one hydrant at the end of Stanton Farm Road and what would it take to get that working? He said Mr. Berry's plan did not show any hydrants along Cave Mountain Road. David Patch said that was just something we had to live with, but come Block G, he wanted to see a plan that showed everything. When David Shedd questioned that statement and asked why we had to live with it, Mr. Patch explained because two prior fire chiefs had determined, in writing, that the fire suppression in use now was adequate through and including Block F. David Shedd asked whether Mr. Berry could start selling lots in Block G. David Patch said blocks can't be sold until the plan was recorded, and to get approval of Block G, all the fire suppressant components, including hydrants and the reservoir, had to be in. Mr. Patch said that is why he specifically said that to Mr. Berry. The Chairman said part of his frustration was with the temporary cul-de-sac at the end of Cave Mountain and why it did not go over the top of the hill into Block G. He said residents had doubts that Mr. Berry would ever develop Block G, despite spending a ton of money on engineering.

David Shedd noted Mr. Berry had stated that the current water system could not support any fire hydrants so the question is, can the water system support twelve new units. Mr. Shedd said we did not know that. He asked whether we were just going to take Mr. Berry's word for it or are we going to want to see something official stating the existing water system was now serving 80 homes and could twelve new units be added to that water system and have work. In other words, is there enough water and adequate infrastructure in the operating water system for Block F. David Patch said he had enough water to sell to the town of Bartlett. Another board member agreed. Kevin Bennett said one of the residents had reported low water pressure at his home which would likely require another pump. He thought the DES may have information available on the water system. Gus Vincent noted it was not just the amount of water in the wells that determined how efficient the water system was, it was also the capacity of the pumps, mains, pressure, etc. necessary to distribute the water and maintain adequate water pressure from the wells to the units. David Patch said that was why he insisted a detailed water plan be submitted for Block G. Mr. Patch felt there was no way Mr. Berry would not proceed with the development of Block G, as that is where most of the land was located and the blocks would be valuable as they had incredible views.

Kevin Bennett noted the decision by prior fire chiefs about fire suppression being required after Block F was developed, was made back in the 1980s. He asked how many units were in Stillings Grant at that time and now that there was a new chief in town, did his opinion over-ride the opinions of prior chiefs. David Patch said no; that agreements were made and approvals were granted based on those 1980s decisions. He felt to try to overturn them now could be grounds for a possible court case. He further said that even though there were not many units built at the time, the chiefs knew exactly how many blocks were available to base their opinion on. Mr. Patch noted the number of blocks had been greatly reduced from then to today due to lot mergers, etc.

The matter of approving the minutes, which this long discussion interrupted, was re-visited. When Mr. Shedd was asked whether he wanted the minutes revised, he said he would let them go and would ask Mr. Berry his question about the hydrants again. Motion to approve the minutes of the April 4 meeting was made by David Shedd; seconded by Michael Galante. Vote: 6-0-1, with Gus Vincent abstaining.

5. Mail and Other Business:

- Michael Dewar was before the board seeking an update on the progress of the short-term rental ordinance. Mr. Dewar wanted to know whether there would be an opportunity for public input. Mr. Dewar was told once any ordinance reached the stage of being ready to go on the ballot next March, a public hearing would be held where the public could have input. If the wording or intent of the ordinance changed based on that input, another public hearing would be scheduled. David Shedd noted all the petitioned warrant article that passed at town meeting did was to direct the planning board/town to write an ordinance restricting short-term rentals to the commercial zone only. He wondered whether any ordinance should go further than that and address short-term rentals on a town-wide basis. David Patch agreed that writing an ordinance as proposed by the warrant article would be a simple matter and only require one or two sentences, but felt we should wait to see what the result of law suits initiated by Conway and pending legislature were to avoid writing something that could possibly end-up being unlawful and unenforceable. It was agreed it was a complicated issue. When the board discussed the enforceability aspect of any STR ordinance, the Chairman noted the selectmen were in the process of hiring a code enforcement officer. After hearing the discussion on the Thibodeau application, Mr. Dewar also advised he would like the town to be looking for somewhere to be used as a town swimming spot. The board thanked Mr. Dewar for coming in.
- The board briefly reviewed a letter and plan from White Mt. Survey requesting a pre-application meeting to deny a 2-lot subdivision where the overhang of an existing house encroached 0.06' into the side setback created by the new boundary line. Property identified as Tax Map 5VILLG, MAI-380. The denial would allow the applicant to apply to the ZBA for a special exception.

There being no other business, the Chairman called for a motion to adjourn. Motion was made by Michael Galante; seconded by Kevin Bennett. Vote: All in favor. The meeting adjourned at 7:20 pm.

Respectfully submitted,
Barbara Bush
Recording Secretary