

**TOWN OF BARTLETT PLANNING BOARD  
PUBLIC HEARING**

**March 7, 2022**

**Members Present:** Scott Grant; David L. Patch; Kevin Bennett; David Shedd; Michael Galante. Barry Trudeau participated remotely on Zoom. **Members Absent:** Gus Vincent.

**Also Present:** Mark Lucy of White Mountain Survey/Horizons Engineering; Joe Berry, Sheila Duane and Alec Tarberry of AMSCO; Phil Franklin, Jim Wilson, Chris Fithian, Jess Wilson, and Steven Hempel, all residents of Stillings Grant; Dan Lucchetti of HEB Engineers; Scott Cameron of Ledge View Lodges, LLC; Ray Hodgkins; Steve Gallas; Joe Heuston.

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

**2. Public Hearing: 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.

Mark Lucy and Joe Berry presented. Mr. Lucy described how the Stillings Grant development had received preliminary conditional approval for 262 lots in 1989. This number was based on density and the lots were to be developed-out in blocks or phases. Before final approval for the entire subdivision was granted, each block was required to be individually approved by the planning board. Mr. Lucy said Block F was now being developed, which is why he was before the board tonight. Mr. Lucy said in 1989, Block F was preliminarily approved for 17 units, but that number has since been reduced to 12 units due to NHDES changing their definition of a wetland. Also in 1988-89, the planning board put a zoning amendment on the town ballot which required MLAR to be calculated by soil type, which further affected the number of allowed lots. Mr. Lucy said the NHDES had issued an Alteration of Terrain permit for this project, which is still valid and is kept up-to-date.

Mr. Lucy recalled he was last before the board on June 6, 2016. He said at that meeting he was discussing Block G, which is just beyond Block F. Mr. Lucy said Cave Mountain Road goes through Block F to reach Block G. It will start at the cul-de-sac at the end of Stanton Farm Road and will terminate at a temporary cul-de-sac at the limits of Block F. Mr. Lucy described the many discussions he had with town engineer, Burr Phillips, whereby an agreement was reached which resulted in several road waivers being granted for the construction of Cave Mountain Road to allow it to reasonably-reach the highest point in the parcel in Block G. Mr. Lucy said these waivers allowed for a slightly narrower road to be built, which he described as a “mountainside road.”

Mr. Lucy said once the economy and the developer’s economic matrix matched, Cave Mountain Road will be extended up into Block G, this being consistent with the planning board’s preliminary 1989 approval. He noted they had worked hard on the permitting of Block G, and explained the reason Block F was being developed at this time, before Block G, was on advice of their attorney who warned against scattered development by building a road through Block F to reach Block G without first developing Block F. Mr. Lucy said that was all he had at this time.

The Chairman thanked Mr. Lucy and asked if the board had any questions. David Shedd spoke and acknowledged this development was more than 30 years old; it had been through three ownerships in

that time; planning boards had changed, and things tend to be forgotten. He asked Mr. Berry what his understanding was regarding the water reservoir proposed for the high-point in Block G which was to be used for fire protection. Mr. Berry said the original developers had committed to installing a 90,000 gallon reservoir on the high point of Block G, which he said he was also committed to during the Block G build-out. David Shedd asked whether the proposed 6" water line shown on the plan was adequate for both fire fighting and residential purposes. Mr. Berry described which areas were currently served by 6" or 8" mains, as well as what was being proposed for future development. David Shedd also questioned whether the temporary cul-de-sac shown on the plan was paved, and whether it was adequate for fire trucks to turn around in. Mark Lucy said he did not recall whether it was paved, but did note that the fire chief will be given an opportunity to say whether 6" lines and the cul-de-sac were adequate. When Mr. Shedd said the fire chief had not even been given a set of plans, Mr. Lucy responded that was because the board had not yet accepted the application.

The board had been reviewing the plan set while listening to Mr. Berry's presentation. David Shedd said it would be handy to have a working hydrant at the end of Stanton Farm Road. Kevin Bennett, a member of the Bartlett Fire Department, asked whether there were any working fire hydrants. When Mr. Berry said they were all dry, Mr. Bennett indicated he had an issue with that, and asked when working hydrants would be provided. He said insurance premiums were often based on how far away the homeowner was from a fire hydrant.

The Chairman called for a motion to accept the application. Motion was made by David Patch; seconded by David Shedd. Vote: All in favor. He then opened the hearing for public comment.

Numerous people spoke and while none appeared to have a concern with the layout of the lots, etc., every one of them expressed concern about the water situation, specifically the lack of fire protection and the lack of operational fire hydrants. Jim Wilson questioned Mr. Berry extensively about his plans for expanding the water system; the size of water lines and associated hydraulics; the ultimate build-out for the entire subdivision; and elevations and water pressure. He asked if it was Mr. Berry's intention to have the town accept Cave Mountain Road. Mr. Berry said the road would be built to town specifications. Steve Hempel, Deputy Chief of the Bartlett Fire Department, said he has lived on Table Rock Road for many years and the hydrant on the corner of his road was still not operational. He said he would like to see an infrastructure plan documented in writing. Mr. Hempel also believed the fire chief would require 8" mains. Mr. Hempel noted some of the driveways in Stillings Grant were very steep and it would be difficult to get water up them. He said he just does not understand why the reservoir in Block G could not be built now, and asked whether its construction could be made part of this approval. Joe Berry said a road was needed to get to the high point of the parcel and that was an extremely expensive undertaking to build. Furthermore, prior fire chiefs had provided written reports saying the reservoir was not needed until Block G was built-out.

Ray Hodgins asked Mr. Berry to explain the source of water for Stillings Grant. Mr. Berry said there were five, high-producing drilled wells which were capable of serving the 272 homes being proposed. Chris Fithian asked for an example of a mountainside road. Mark Lucy said it was a road Burr Phillips had designed for the town of Jackson. He offered to forward Mr. Fithian some information on it. Kevin Bennett, who is also Jackson's building inspector, said Jackson had information on a mountainside road available on their website. Jim Wilson said there were 78 buildable lots presently available in

Stillings Grant. With that number, Steve Hempel asked Mr. Berry why he wouldn't want to provide fire protection for them right now, instead of waiting for the completion of Block G.

The Chairman closed the public hearing and asked if the board had any further questions. Kevin Bennett said he would like to see a plan which showed the location of all the fire hydrants. David Shedd said he never understood why the hydrant at the corner of Table Rock Road was not operational and asked what the problem was; was it with the line? Mark Lucy agreed it was with the line and said he believed if you asked the fire chief, he would say charging the hydrant would draw more water out than the system could provide. Kevin Bennett questioned that, and spoke about homes nowadays having backflow venters installed which would help with water pressure problems. Mr. Lucy acknowledged this was not his area of expertise, and water system engineering was a specialized field. David Patch noted the planning board had always relied on the fire chief to say what he wanted to see in the way of fire protection. David Shedd said he understood Mr. Berry only wanting to build half of Cave Mountain Road because of the expense involved, but said he wondered about the town accepting an unfinished road. Mr. Berry said the road would be finished and built to town specs as far as the temporary cul-de-sac at the limits of Block F. He said the cul-de-sac would also be built to town specs, same as the one on Parker Ridge Road. The Chairman noted that before any road was accepted as a town road, it had to be voted on at town meeting.

The Chairman called for a motion to continue the application to April 4, 2022. Motion made by David Patch; seconded by Kevin Bennett. David Shedd indicated he would like to have the fire chief attend the next work session to talk to the board. A motion was made by David Patch; seconded by Mike Galante to ask the fire chief to attend the February 15 work session. The secretary advised March 15<sup>th</sup> conflicted with the town's deliberative session. The Chairman asked whether the board wanted to cancel the work session or move the date. David Shedd wanted the date moved to the next night, Wednesday the 16<sup>th</sup>. A motion to move the date of the work session from March 15 to March 16 was made by Mike Galante; seconded by David Shedd. Mr. Shedd asked Joe Berry if that date worked for him. Mr. Berry tentatively said yes. Vote taken: All in favor. A motion was remade by David Patch; seconded by Kevin Bennett to continue the application to the March 16 work session. Vote: All in favor. David Shedd will ask the fire chief to attend.

**3. Continuation/Final Approval: Ledge View Lodges, LLC (Scott Cameron), Route 16/302, Intervale.** File: 2021-1278. This is an application for a 19-unit planned unit development (PUD) on a 19.30-acre parcel identified as Tax Map 1RT16-2, Lot 145L00.

Dan Lucchetti and Scott Cameron presented. After briefly reviewing the project, Mr. Lucchetti said they were present tonight seeking an approval of their application. He said Burr Phillips had approved the cost estimate for the bond in the amount of \$854,000. Mr. Lucchetti said therefore, they were asking for conditional approval based on a bond being provided for that amount.

The Chairman asked if the board had any questions. David Shedd asked whether they had received state subdivision approval yet. Mr. Lucchetti said they had. Mr. Shedd asked whether his understanding that the applicant was having difficulty obtaining a bond from his insurance company, as they would not issue it without some kind of official approval by the planning board being obtained, was correct. Mr. Cameron said that was correct, which is why he was requesting conditional approval

to allow the construction bond to be issued which, in turn, would allow final approval to be granted. David Patch asked whether all the other conditions listed by Burr had been met, with the exception of the bond. The secretary said she had been told they had. Once the bond was obtained, final approval could be granted.

David Patch said the planning board had not given conditional approval for a long time. However, he said in this case it appeared the applicant had met all the conditions required for it to be granted and therefore he was making a motion to do just that. The motion was seconded by David Shedd. Vote: All in favor. David Shedd asked if there was any reason we could not grant final approval tonight. The Chairman said that was also his question and asked were we only requiring a bond because Burr Phillips said so. He acknowledged he did not understand the reason for a bond and asked wasn't it a selectmen's issue to deal it, anyway? David Patch explained how the checklist required a bond be provided and, in this case, conditional approval was needed for the bond to be issued. He informed the applicant to bring in the bond and he could get final approval. Hearing differing opinions from board members, the applicant attempted to make a case for final approval to be granted. He cited the cost associated with obtaining the bond, time constraints to market the project and to get building permits to start construction, etc. Kevin Bennett explained the reasons behind requiring a bond and how it protected the town in case the project encountered difficulties and failed midway through construction. He said Conway required a \$2,000 bond just for a driveway. David Patch finally persuaded the board to stay with their decision to grant just conditional approval.

**4. Review and Approve Minutes:** The minutes of the February 7, 2022 were reviewed. A motion to approve the February 7 minutes, as written, was made by David Patch; seconded by Kevin Bennett. Vote: All in favor. There were no minutes for the February 15<sup>th</sup> work session since the meeting was not held.

**5. Mail and Other Business:**

- **Discussion with Steven Gallas:** Mr. Gallas was before the board to speak about his objection to the proposed municipal sewer system and wastewater collection system being proposed by the Lower Bartlett Water Precinct (LBWP). The expansion included 11 miles of gravity sewer, 1.5 miles of force main, 5.7 miles of service connections, and 4 pump stations. The most significant reason to consider a municipal sewer system was to protect the groundwater, with a secondary reason to consider a wastewater collection system being to support economic growth. Mr. Gallas said in their last billing cycle, the Precinct had included a leaflet explaining their plans. It showed a current opinion of probable cost of \$50,604,000 for the project. He provided a copy for the board's information. The expansion would likely be phased in four phases, with the first phase including areas with the greatest potential risk to the aquifer, this being the area between the Saco and Route 16/302 where the Precinct's wells are located.

Mr. Gallas said he had attended the Precinct's last meeting during which the commissioners had advised that the town and the planning board had been informed of the expansion project and were "on board" with it. Since Mr. Gallas had stated the same thing to the selectmen when he attended their last meeting, the secretary had called the Precinct to try to obtain a copy of those meeting minutes but they were not yet done. However, two Precinct employees,

independently of each other, refuted that the commissioners had said what Mr. Gallas was attributing to them. Mr. Gallas was informed representatives of the Precinct had attended a planning board meeting in 2018 to speak to the board of their plans. The board had listened, but offered no opinion. Mr. Gallas requested a copy of those minutes, as well as any literature the Precinct had provided.

Mr. Gallas' main concern appeared to be the huge expense involved and the ramifications the extra density may cause. He felt this could have a big impact on the Alpendorf and Intervale areas for years to come, not just due to higher density but also because the road would need to be dug up to lay pipes. David Patch informed him Bartlett does not allow extra density for off-site water and sewer. When Mr. Gallas said the Precinct was in the "red" financially, David Shedd noted they would likely need to expand their franchise base to generate more user fees. Mr. Gallas said he just wanted to give the planning board a heads-up so they understood the ramifications and impacts this expansion could cause for years to come. He encouraged board members to attend a Precinct meeting scheduled for tomorrow night. Scott Grant indicated he would be there and invited others to join him.

The board thanked Mr. Gallas for coming in.

- The Chairman made the board aware of his displeasure that the narrative he had submitted for the town report had been altered without his knowledge or permission, resulting in a poorly written narrative being published. He said he would not be responsible for writing the report in the future.

There being no other business, the Chairman called for a motion to adjourn. Motion was made by David Patch; seconded by Kevin Bennett. Vote: All in favor. The meeting adjourned at 7:54 pm.

Respectfully submitted,  
Barbara Bush  
Recording Secretary