

**TOWN OF BARTLETT PLANNING BOARD
PUBLIC HEARING**

February 7, 2022

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

Also Present: Dan Lucchetti of HEB Engineers; Scott Cameron of Ledge View Lodges, LLC.

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. 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 and provided updated plans. Mr. Lucchetti gave a brief overview of the project which he said had been undergoing a technical review of the road design by Burr Phillips of Civil Solutions. Mr. Lucchetti said the selectmen had granted several road waivers based on this review, including a request to not require a looped road, and for a looped cul-de-sac in lieu of a paddle-shaped one. He read the wording of the waivers for the board's benefit. Approval for water and power had been received from the LBWP and New Hampshire Electric Coop, copies of which were provided. The project had also received NHDOT approval for the driveway, and approval of the Alteration of Terrain permit from NHDES. Mr. Lucchetti said he was hoping to get conditional approval tonight as there were only minor issues outstanding, including setting a benchmark, waiting for state subdivision approval, and developing a cost estimate. Civil Solution's final report also recommended the board grant conditional approval tonight.

The Chairman asked if the board had any questions. David Shedd asked about the distance between the units, reminding Mr. Lucchetti that a minimum separation of 25-ft. between buildings used as living quarters is required. Mr. Lucchetti said he was aware of that regulation and the distances varied slightly, but nothing was closer than 40-ft. Mr. Shedd asked about the locations of the test pits shown on the plan, relative to where the septic systems were being proposed. He noted Greg Howard had performed the work and that the board had confidence in his work. Mr. Lucchetti said the state required test pits to be dug within 25-ft. of the septic system. Mr. Lucchetti said he had not shown the actual septic systems on the plan, only the 4k areas.

David Shedd addressed Mr. Lucchetti's request for conditional approval tonight, saying granting conditional approval was not something the board did. He asked if it would be a problem if we just waited until everything was in-hand and grant final approval, since it appeared subdivision approval should be forthcoming shortly. Mr. Cameron said his objective was not to have to keep coming to meetings over and over again. However, he said he recognized the board's reluctance so agreed to keep it simple and wait. A motion was made by David Shedd; seconded by Barry Trudeau to continue the application to the February 15 meeting. Vote by roll call: All in favor. Mr. Cameron was told he could cut trees and dig dirt, etc. while waiting for final approval to be granted.

3. Review and Approve Minutes: The minutes of the January 3, 2022 public hearing and the January 18, 2022 work session were reviewed. A motion to approve the January 3 minutes, as written, was made by David Patch; seconded by David Shedd. Vote: 5-0-1, with Barry Trudeau abstaining as he had been unable to connect to the meeting by Zoom. The minutes of the January 18 meeting were reviewed. A motion to approve the minutes, as written, was made by David Shedd; seconded by Barry Trudeau. Vote: 5-0-1, with Gus Vincent abstaining since he had not attended the meeting.

4. Follow-Up Discussion re West Side Woods: At the last meeting, David Patch had offered to research information relative to the legislative changes now affecting what the State Building Code and State Fire Marshal could require for residential sprinklers in detached single-family or two-family structures. This research was in response to Mr. Patch having been approached by homeowners at the West Side Woods development on West Side Road who had sought advice on problems they were having with their fire suppression sprinklers. These sprinklers are now aging and leaking. At the time subdivision approval was granted, it was contingent on either a fire pond or sprinklers being installed. The applicant chose the latter, due to concerns that a fire pond may be difficult to keep filled.

Mr. Patch read from House Bills 109 and 1486 and Senate Bill 91. The language of these bills had changed during the course of legislative discussions in 2009 and 2011, but Mr. Patch summarized the findings as being that we can enforce sprinkler laws if we wished to, but that we did not have to. The language stated “can enforce” not “shall enforce.” The bills also prohibited municipalities or local land use boards from requiring the installation of automatic fire suppression sprinklers in any new or existing detached one- or 2-family dwelling units used only for residential purposes. The Chairman asked if there were any questions. Barry Trudeau asked how the ruling affected other uses and commercial properties, including STRs. The Chairman said that was a discussion for another day and we were concentrating on the West Side Woods development at the moment as they are the only place in Bartlett where sprinklers had been installed. The Chairman said he knew several owners had already disconnected their systems to avoid water damage should the sprinklers fail. He asked if anybody wanted to make a motion.

David Patch said he would be willing to make a motion to say we would no longer consider sprinklers necessary in the West Side Woods development to maintain their subdivision approval. The decision whether to have a sprinkler or not would be totally up to the individual homeowner and the planning board accepts no liability for any consequences resulting from that decision. David Shedd suggested the motion should say the planning board will not require or enforce sprinkler systems in single or two-family homes. Mr. Shedd said one of his concerns is liability issues and, apart from that, he did not know whether we needed to be addressing a particular property. David Patch said that was a good point. He said he addressed it because it was the only development in town which had sprinklers; however, he agreed he would rather have the motion apply to everyone in town. Mr. Shedd restated that meant only single or two-family homes. Mr. Patch agreed, saying the legislature stated that towns were prohibited from requiring sprinklers in those types of dwellings. Mr. Shedd asked whether we also needed to say “enforce” since they were already in effect. Mr. Patch said enforcement was an option; we could enforce it if we wanted to, but we were not required to. After further discussion, the following motion was made by David Patch and seconded by David Shedd. “Pursuant to RSA 674:51, sprinklers will not be required in one or two-family dwellings used for residential purposes in the town of Bartlett. This is also to include the properties in the West Side Woods development.”

4. Mail and Other Business:

- Discussion with David Shedd as to whether the planning board would approve a subdivision without test pits being shown on the lots. David Patch said the board was not permitted to create a non-conforming lot, and test pits were required for any lot proposed to have a septic system. As such, a 4k area would need to be shown on the plan to indicate the lot was capable of supporting a system, but if someone merely wanted to subdivide their land for a hayfield, for example, he did not believe it was necessary to show test pits.

There being no other business, the Chairman called for a motion to adjourn. Motion was made by Gus Vincent; seconded by Kevin Bennett. Vote: All in favor. The meeting adjourned at 6:54 pm.

Respectfully submitted,
Barbara Bush
Recording Secretary