

**TOWN OF BARTLETT PLANNING BOARD
PUBLIC HEARING**

November 4, 2013

Members Present: Chairman David Publicover; David Patch; David Shedd; Doug Garland; Lydia Lansing; Margaret Lavender; Julia King. **Members Absent:** None.

Also present were Andrew Fisher of Ammonoosuc Survey; Sheila Duane of AMSCO and Sophie Duane Leavitt; Norman Head.

Chairman David Publicover opened the meeting at 7:10 pm.

1. Public Hearing: Blaine and Patricia Rogerson, 271 Cobb Farm Road. (File: 2013-1189). Application to subdivide a 36.4-acre parcel into two lots containing 19.88 and 16.51 acres each. Tax Map 5COBRD, Lot 55LW3E.

Andrew Fisher of Ammonoosuc Survey presented. He said the Rogersons were looking to split their homestead property into two parcels containing 19.88 and 16.51 acres each. The Rogersons would continue to live on Lot 1 and Lot 2 would be deeded to their children. The board reviewed the plan and questions were asked as to whether the driveway was 15-ft. from the boundary line and whether the requirements of the Shoreline Protection Act had been met. Mr. Fisher advised the driveway was more than 15-ft. from the boundary and since no buildings were being proposed on Lot 2, there was nothing to comply with the Shoreline regulations. He said a LOMA (Letter of Map Amendment) had been done. The Chairman noted our regulations only require that the floodplain boundary be shown on the plan, which it was. Doug Garland asked Mr. Fisher several times what the base floodplain elevation was. It was explained that it varied depending on the elevation of the land. If and when a house is built, measurements will be taken at that location and an elevation number will then be allocated. Mr. Garland said he would follow-up on his query with the selectmen's office and review the floodplain map. He then asked if the state-approved outhouse was still on-site. Mr. Fisher said he had never seen it, which was supported by David Shedd who said he did not see it either when he was conducting recent test pits.

The Chairman asked if there were any further questions from the board. With none, he called for a motion to accept the application. Motion made by Lydia Lansing; seconded by David Shedd. Vote: All in favor. The Chairman opened the public comment period and there were no questions from the public. The Chairman noting that time was pressing to approve this application due to the imminent demise of Mr. Rogerson, said a request had been received to waive the 14-days between acceptance of the application and approval. He said the 14-day requirement was not state-mandated; it was only a requirement of our subdivision regulations and thus the board had the power to waive it. Andy Fisher explained how there would be a significant monetary benefit to the Rogersons if the land was deeded to their children prior to Mr. Rogerson's death.

The board discussed the waiver request. Mr. Garland expressed concerns about floodplains on the property and said he wanted to look at the floodplain maps before considering a waiver. He cautioned we may be approving an unbuildable lot and was wary of creating a precedence. The Chairman explained there was nothing in the regulations saying that lots had to be buildable. In this particular case, perhaps 8-acres of the new 20-acre lot may be in the floodplain which still left twelve acres to support a single residence. He added the 14-day requirement was likely in the subdivision regulations to allow the board time to carefully review any complicated subdivisions. This was a simple, straight-forward 2-lot subdivision and he felt humanitarian considerations would warrant the granting of a waiver. Lydia Lansing and David Patch both spoke in favor of granting the waiver due to the non-complex nature of the subdivision and the circumstances surrounding the reason for the request.

The Chairman asked if there was a motion to approve a waiver of the 14-day delay between acceptance and approval of a subdivision due to the humanitarian considerations of this application. Motion made by Lydia Lansing; seconded by Margaret Lavender. Vote: 6 members in favor; 1 member (Doug Garland) opposed. The Chairman asked if there was any further discussion on the application. With none, he called for a motion to

approve. Motion made by Julie King; seconded by David Shedd. Vote: 6 members in favor; 1 member (Doug Garland) opposed. The mylar was signed for recording. (Note: Blaine Rogerson died on November 12.)

2. Public Hearing: Attitash Mountain Service Company (AMSCO), Parker Ridge Road, Stillings' Grant. File: 2013-1188. Application for a boundary-line adjustment to add 2,656 sq. ft. (0.06-acre) of land from Lot A023 to Lot A024. Tax Map 5STLNG.

Sheila Duane presented and explained the buyers had requested the boundaries be adjusted to allow their proposed residence to be sited in a way that would take advantage of the view. Doug Garland said it appeared the gravel driveway shown on the plan crossed the boundary line. Ms. Duane said it wasn't a driveway; it was an old gravel path or work road which will go away once the house is built. The Chairman asked if the board had any other questions. With none, he called for a motion to accept the application. Motion made by Lydia Lansing; seconded by David Patch. Vote: All in favor. The Chairman opened the public comment period. There was no public comment nor any further questions from the board. A motion to approve the application was made by Lydia Lansing; seconded by Doug Garland. Vote: All in favor.

3. Attitash Mountain Service Company (AMSCO), Blocks F & G, off Parker Ridge Road, Stillings Grant. File: 2013-1187. Application for subdivision of Stillings Grant Blocks F and G into 57 residential units. Block F will contain 17 units and Block G will contain 40 units. Tax Map 5STLNG, Lots F00-0, F00-1, G00-0.

The Chairman advised he had received a letter back from Atty. Ratigan in response to the board's questions regarding this application. A copy of the letter was given to board members to review in private and the contents of the letter were not discussed during the meeting. In order to preserve confidentiality, the letter will remain private until a telephone call can be scheduled with Atty. Ratigan some time next week. Since this application has not yet been formally accepted, a motion to continue the public hearing to the December 2 meeting was made by Margaret Lavender; seconded by David Patch. Vote: All in favor.

4. Continuation/Final Approval: Red River Properties Development Corp., Highland Road. File: 2013-1184. Application for amendment to subdivision plan to reduce a previously-approved 8-unit subdivision to 4 units. Tax Map 6SACOR, Lot 037HRO.

The applicant was unable to attend tonight's meeting due to an accident he suffered late this afternoon. The board further reviewed the fire chief's review letter and it was wondered whether some of the items listed were possibly based on standards from the fire marshal's office that were germane and outside the planning board's purview. It was noted our driveway specifications did not specify the size of a turnaround, but simply stated it has to be able to accommodate fire equipment. In addition, it was noted the 20-ft.-wide driveways requested by the chief so as to comply with our driveway standards, only applied to a commercial driveway. Residential drives are only required to be 10 to 18 ft. wide. Doug Garland said it would also be impossible to accommodate the grade requested. The applicant has been provided with a copy of the fire chief's review letter and indicated he will be back before the board as soon as possible. A motion was made by Lydia Lansing; seconded by Margaret Lavender to continue consideration of the application to the November 19 work session. Vote: All in favor.

5. Review and approve Minutes: The minutes of the October 7 meeting were reviewed. Item 1 prompted Doug Garland to say that he had been to the project site but could not find either the parking lot or the signs. David Shedd said he was there also and he did find the parking lot, but it was hard. Discussion about withdrawing the agreement ensued, where it was again noted that unless the conservation commission lodge a complaint, that this was not a planning board issue. In the second paragraph of Item 1, the Chairman requested the word "inquired" be used instead of "enquired." Motion to approve the October 7, 2013 minutes, as revised, was made by David Patch; seconded by David Shedd. Vote: All in favor.

The minutes of the October 15 meeting were reviewed. Doug Garland requested that Item 1 be revised to reflect that Sheila Duane reported that she had taken down the "No Trespassing" sign. He reported that the sign was still

there. Motion to approve the October 15, 2013 minutes, as revised, was made by Julia King; seconded by Lydia Lansing. Vote: All in favor.

6. *Mail and Other Business:*

Copies of items listed on the agenda were reviewed.

Lydia Lansing advised she would be away from mid/end December to June, 2014.

With no further business, a motion to adjourn was made by David Patch; seconded by Doug Garland. Vote: All in favor. The meeting adjourned at 8:25 p.m.

Respectfully submitted,
Barbara Bush
Recording Secretary