

TOWN OF BARTLETT PLANNING BOARD WORK SESSION

January 17, 2017

Members Present: Chairman Philip Franklin; David L. Patch; David A. Patch; David Shedd; Rich Stimpson; Peter Gagne. **Members Absent:** Scott Grant (with notice).

Also in attendance: Norman Head.

The meeting was opened at 6:02 pm by Chairman Philip Franklin, who reviewed the agenda.

1. Continuation of Public Hearing on Proposed Zoning Amendments: The Chairman addressed a letter which the board had received this afternoon from Gene Chandler, by saying it had been sent by Mr. Chandler as a private-citizen, and not by Mr. Chandler in his position as Chairman of the Board of Selectmen. The Chairman read the letter aloud, and each of Mr. Chandler's viewpoints were discussed in detail. Mr. Chandler expressed two concerns regarding the Accessory Dwelling Unit amendment. He was opposed to the board's decision that an ADU did not count towards the number of dwelling units allowed on a single driveway, and was also opposed to detached buildings being allowed to have ADUs in them. He asked what if someone purchased a property and the neighbor's lot had a garage on it that was located close to the property line and they put an ADU in it. The board felt if the garage violated setbacks and was a non-conforming structure, then an ADU would not be allowed. If the garage met setback requirements, then an ADU should be allowed. It was also noted that a garage could possibly be a noisy building in its own right if automobile repairs, woodworking, etc. took place there. Having an ADU in or above the garage which was being used for residential purposes could tend to be a less-noisy use and be less-obtrusive to neighbors.

The issue of an ADU counting towards the number of dwelling units on a driveway was again discussed. This subject had been addressed at several previous meetings where the board had determined that it was fairer to not include them. Under the present zoning, we currently allow two dwelling units on a driveway. If an ADU was counted towards that number, then neither of those dwelling units would be allowed to have one, which could possibly be in violation of the new RSA, since one of the aims of the RSA was to provide a solution to the affordable housing shortage. Moreover, even if the proposed amendment to increase that number to three passes, that would mean that only one of those two dwelling units would be allowed to have an ADU. It was noted that ADUs had been allowed by the zoning ordinance since 2011, and nobody recalled there ever being any issues or complaints about them. David A. Patch was asked whether they presented any problems for the selectmen's office. He said he wasn't aware of any, except for a few illegal ones that had been discovered. The board briefly discussed a suggestion by the Chairman to add wording saying that ADUs could only be built within an already-existing structure. The intent of this suggestion was to prevent people building new garages or structures with the purpose of using them to house an ADU. After deliberating, the board felt so long as any new structure complied with setbacks, MLAR, and other requirements, then there was no reason to prohibit it. The Chairman then summarized the discussion on Amendment 1 as being that the board wished to leave the intent and the wording as-is. He called for a show-of-hands to indicate a vote to that affect. The vote was unanimous. The board did request that the conditions applying to ADUs be formatted as a numbered list, and not in rows as presented.

The board next discussed Amendment No. 2. This amendment was proposing to change the definition of a lot in Article XIX to be more legally precise, since the existing definition was very awkwardly-written. The definition also contained the provision for how many dwelling units were allowed on a driveway. It was felt the definition of a lot was not an appropriate place to have this type of information, and it would be more suitable to place it in the main body of the zoning ordinance. Amendment No. 3, was proposing to increase the number of dwellings which can be served by a driveway from two to three, and the provision will be moved from the definition of a lot and placed in Article VII, Minimum Frontage, whose title would be revised to read Frontage and Access. The Chairman asked if there were any comments or questions on Amendment No. 2 involving the new wording for the definition of a lot. With none, he called for a show-of-hands vote. Vote was unanimous.

Amendment No. 3 was discussed next. As described above, this amendment proposed to increase the number of dwelling units allowed on a driveway from two to three, and to move that information to the main body of the zoning ordinance under Article VII. The Chairman asked if there were any questions. It was recommended to clarify the term “driveway” by adding the word “single” so that it now read that three dwelling units could be served by a single driveway. The Chairman called for a show-of-hands to indicate agreement with this amendment. Vote: 5-1-0, with David Shedd being opposed.

Amendment No. 4 proposed to provide an option for landowners along Routes 16 and 302 and West Side Road to decrease the front residential setback from 115-ft. to 60-ft., the same as it is everywhere else in town. This would not affect the commercial setback, which would remain at 115-ft., but people who were looking to build a personal residence would have the opportunity to employ a lesser front setback and retain more useable area of their lot. This was an option only, and a 115-ft. setback could still be used if someone wanted to preserve the commercial aspect of their property. This was another amendment Mr. Chandler expressed opposition to. His letter stated, “The purpose of having the same setback for all uses in a particular district is to create a sense of uniformity in a particular area. Allowing some structures at 60 ft. and others at 115 ft. creates a disorganized appearance and is discriminatory.” Mr. Chandler also asked the board to consider the fact that a 38-ft. tall, 10-unit condominium building could be built on either side of the road and only be 60 ft. from the center line. He further stated that along Routes 16 and 302, the state rights-of-way varied tremendously, and claimed that in some instances that distance could be 150-ft., which he felt provided the potential to put residential structures in the state right-of-way.

The board considered all of Mr. Chandler’s comments. It was noted that many residences along the roads in question did not even comply with a 60-ft. setback and were located very close to the road. Under our current ordinance, any new residential structure would be required to be built 115-ft. from the centerline of the road, which was not conducive to creating a sense of uniformity compared to existing structures. It was further felt that while extremely unlikely that 10-unit condominiums would ever be built on either side of the road, the possibility of that happening in the future could not be ruled out. However, the board felt that Mr. Chandler had a valid point regarding the state rights-of-way. After discussing the issue at length, the Chairman suggested that Amendment No. 4 be withdrawn to allow time to review it further. A motion to withdraw Amendment No. 4 was made by David L. Patch; seconded by Richard Stimpson. Vote: All in favor.

During last-minute discussions on the other amendments, David L. Patch realized that should Amendment No. 2 pass at town meeting and Amendment No. 3 fail, that there would be no reference anywhere in the zoning as to how many dwelling units were allowed on a single driveway. This situation was discussed and the Chairman called for a motion to also withdraw Amendment No. 2 and to retain the current wording for the definition of a lot, along with its associated provision of how many dwelling units were allowed on a driveway. Amendment No. 3 would then be re-numbered as Amendment 2, and would simply ask whether the number of dwelling units allowed on a single driveway should be increased from two to three. Once the result of that amendment was known, the wording which pertained to how many dwelling units were allowed on a single driveway in the definition of a lot would be changed accordingly, by either leaving the number at two, or revising it to three. A motion to withdraw Amendment No. 2 was made by Peter Gagne; seconded by David A. Patch. Vote: All in favor.

At this point, the Chairman closed the public hearing on the proposed zoning amendments.

2. Preliminary Pre-application Review: James Howard, Cobb Farm Road. File: 2017-1224. This is an application to subdivide two lots out of an 80.6-acres parcel of land on Cobb Farm Road. One lot will contain 2.02 acres and the other will contain 2.58 acres, leaving 76 acres in the subject parcel. Tax Map 5COBRD, Lot 45RW0.

Last meeting, Burke York of York Land Services was present for what he described as a fact-finding mission. He said he was representing Mr. Howard and explained what was being proposed. The board reviewed the plans

and the proposed subdivision with Mr. York at that time and identified no real concerns. Since this preliminary review was basically a duplication of the previous meeting, the board did not spend too much time on the issue. The application will be formally presented at a public hearing on February 6, 2017.

3. Continuation/Final Approval: Attitash Mountain Service Co., (AMSCO), Block G, Stillings Grant: File: 2013-1187. This is an application to reconvene review of a continued application to subdivide Block G into 40 residential units. Tax Map 5STLNG, Lot G00.

No action was taken on this application since the plans are still in the process of being reviewed by the town engineer. The application has been continued indefinitely until the review had been completed.

4. Review and Approve Minutes: It was decided to defer review and approval of the January 4 minutes until the February public hearing.

5. Mail and Other Business:

- The board reviewed and approved the Chairman's draft copy of his narrative for the town report.

With no further business, a motion to adjourn was made by Rich Stimpson; seconded by David L. Patch. Vote: All in favor. The meeting adjourned at 7:50 p.m.

Respectfully submitted,
Barbara Bush
Recording Secretary