

**TOWN OF BARTLETT PLANNING BOARD
PUBLIC HEARING**

June 4, 2018

Members Present: Philip Franklin; David L. Patch; David Shedd; Scott Grant; Kevin Bennett; Kevin McEnaney.
Members Absent: David A. Patch (with notice).

Also present: Andrew Fisher of Ammonoosuc Survey; Karl Feltz; Brian Otis.

The meeting was opened at 6:00 pm by Chairman Philip Franklin, who reviewed the agenda.

1. Continuation/Final Approval: CC Russo, Granite Ledge and Pebble Ledge Roads. File: 2017-1237. This is an application to create a 3-unit planned unit development (PUD) on a 9.3-acre parcel between Granite Ledge and Pebble Ledge Roads. Tax Map 2GLENL-1, Lot N-2.

Andy Fisher presented and provided revised copies of plans which showed all three dwellings as now being located off the end of Granite Ledge Road and none being accessed off Pebble Ledge Road, as was previously proposed. The Chairman briefly recapped the board's decision to allow this and also its decision to consider Granite Ledge Road a private road and not a driveway, by taking into account prior planning board approvals in 1983, width of the ROW, etc. Mr. Fisher confirmed the only change to the plan was the relocation of the third dwelling and that Granite Ledge Road had been identified on it as to be a private road from the intersection of Glen Ledge Road to just past the Hurley driveway. From thereon it was classified as a driveway which provided access to three dwellings. David Shedd expressed concern with the issue of the driveway setback being close to a property line and asked whether it was squeezed in close because of the terrain. Mr. Fisher agreed the terrain was a factor and said any work done to the road in that area would certainly be done away from the boundary. He said the ROW is where it is, and answered in the affirmative to David L. Patch's question of whether it had been like that before zoning. Scott Grant and Mr. Fisher referred to the plan and briefly discussed the location of the Hurley driveway, which Mr. Fisher indicated would be better once the improvements had taken place. They also discussed drainage along the road with Mr. Grant citing his knowledge of the general area and indicating he did not see drainage and water washout being a huge deal. However, he said North Ledge Road, which was above it, had good runoff and while it had no affect at the moment, a new resident on the road was proposing to build which could have the potential to create a problem. Mr. Fisher said the road had been there for a long time and had a washout been imminent it would have happened long before this. David L. Patch agreed, saying between Tropical Storm Irene and the one last year, it has probably done whatever it was going to do. Mr. Fisher agreed that was true and said the road was going to be upgraded and improved as part of this project. He also said the existing culverts had been in-place from the beginning and had always handled the water flow.

When the Chairman asked if there were any comments, David Shedd said the matter of a waiver had been discussed previously but no decision had been made as to how to approach it or what its language should say. He said he had given it quite a lot of thought and wasn't sure how to go about it and asked whether the board was generally in agreement that density and frontage were not issues and the only issue was access. He asked whether there was no question that at least one house could be built, and was told that was correct. He further added that since prior subdivision approval had been granted for two houses in 1983, that meant two houses could be allowed since they were already approved and the problem now with the third being allowed was only relative to access and not density. He asked how do we deal with this? By a waiver, even though he said in some ways he didn't necessarily like waivers? He noted the fact that two driveways could fit down the 66-ft. ROW had been discussed and asked whether it would require a waiver to have two driveways next to each other. David L. Patch felt it wouldn't, adding even though two driveways in close proximity to each other weren't supposed to happen to simply get around the road standards, the concept of the actual regulation was designed with the intention of preventing multiple driveways from coming off a cul-de-sac like fingers. Mr. Patch said because three dwellings could be allowed by either putting-in two driveways or having one dwelling come off Pebble Ledge Road that it could be done even if we don't give a waiver.

David Shedd noted that one of the things that happened at the last meeting was the board had received a letter from the selectmen's office expressing their opinion. Saying while he didn't necessarily agree with it, he did appreciate their views and felt whatever the board's decision was, we needed to be able to explain it to them. The Chairman agreed we needed to at least address it, though not necessarily agree with it. David L. Patch said maybe a synopsis of the situation was that this road was built pre-zoning and in order to build a road in town, a 66-ft. right-of-way was required. Other regulations came along a year-and-a-half later, but at that time the 66-ft. was in effect. This showed the developer obviously planned on having a road and not a driveway since the very first thing distinguishing a road from a driveway was the width. He further noted the town has all sorts of roads built before zoning which are not

driveways and this was one of them. Mr. Patch said he disagreed with the opinion that there were only town-spec roads and driveways in town. David Shedd said by way of explaining the board's position, whatever that ends up being, one of the things to note is that this particular road was in existence when zoning came into effect. He said he wanted to be careful to not set a precedent and would like to narrow down the reasons so as to prevent that from happening. David L. Patch agreed with Mr. Shedd's concern about setting a precedent and said this was one of the very few situations in town where this was warranted as it could no longer happen with any new development. Furthermore, should any other case arise it would be considered on its own merits. The board agreed and decided they would prefer not to grant a waiver but to consider Granite Ledge Road, from Glen Ledge Road to the end of the 66-ft. ROW, as being a private, non-town-spec road internal to a development and not a driveway. The following reasons were some of those discussed to substantiate this decision: the road was built pre-zoning; it has a 66-ft. right-of-way; prior subdivision approval had been granted by the planning board for two dwellings in 1983; Granite Ledge was shown on that approved plan as a road; subsequent deed references referred to it as a road; there was adequate room to accommodate safety requirements such as emergency vehicle turnouts and cul-de-sac; the applicant owned the entire length of the road; all the abutters who had attended the meetings on this application wanted the three dwellings to come off the end of Granite Ledge and did not want Pebble Ledge to be used as access; granting a waiver would create the same problem for anyone on Pebble Ledge wishing to subdivide as was now being experienced on Granite Ledge; it would not violate the three-dwellings-on-a-driveway regulation; improvements being proposed by the owner will make Granite Ledge a much-better road; density requirements will not allow any further development of the property; and the PUD has adequate frontage onto a town-spec road, being Glen Ledge Road. In addition, it would also negate any unfairness or disadvantage towards the applicant as to how many dwellings he would be allowed to have, which was based on a decision to allow a house on Granite Ledge to be converted into a duplex, which may or may not have been legal.

The Chairman asked, based on the above discussion, whether the board was ready to make a decision to approve this application. A motion to approve was made by Kevin McEnaney; seconded by Scott Grant. Vote: All in favor. After the vote, David Shedd offered to write the selectmen a note by way of explanation for the board's decision so they would know we weren't ignoring their opinion, but simply did not necessarily agree with it. Andy Fisher said he would drop a mylar off for recording. David L. Patch asked whether the plan provided tonight incorporated all the information decided at tonight's meeting. Mr. Fisher said he believed it did, based on the board's discussions at the three previous meetings, but said he would be happy to add anything they would like to see. He said the plan note which had originally stated a waiver had been granted had been changed to say that Granite Ledge Road was considered a private road which would be upgraded to meet all current driveway conditions. Mr. Fisher thanked the board and expressed his appreciation for all their help.

2. SAI Communications on behalf of AT&T Mobility, 71 Linderhof Strasse: File: 2018-1245. This is a notification that antennas and equipment were proposed to be upgraded by AT&T on their existing tower on Linderhof Strasse. The board reviewed the application and determined that it complied with the town's telecommunications ordinance. The selectmen will be notified of the decision so that a building permit can be issued.

3. SAI Communications on behalf of AT&T Mobility, 20 Garland Ridge Road: File: 2018-1246. This is an application to upgrade an existing 90-ft. monopine tower on Garland Ridge Road by replacing three antennas and upgrading equipment. The board reviewed the application and determined the work being proposed complied with the telecommunications ordinance. The selectmen will be notified of the decision so that a building permit can be issued.

4. 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. This application has been continued indefinitely until an engineering review is completed.

5. Review and Approve Minutes: The minutes of the May 7, 2018 meeting were reviewed. David Shedd asked for a correction to his comment on page 1, seven lines up from the bottom, so that it read "backed-up" and not "back-up." A motion to approve the minutes, as amended, was made by Scott Grant; seconded by Kevin McEnaney. Vote: All in favor. While the May 15th minutes were ready, they were not printed out and it was decided to wait until the June 4 meeting to review them.

6. Mail and Other Business:

- Mail listed on the agenda was reviewed.
- Scott Grant made a suggestion that the board honor the flag by reciting the Pledge of Allegiance before the meetings. The board agreed this would be a good thing to do.
- The upcoming balloon test for Verizon Wireless was discussed. Public notification of the test and emails to the ZBA and interested parties will be done in a few days when the June 16 test date gets a little closer.
- Kevin Bennett asked where the status of the flood issues stood. The Chairman said a small committee had been formed to work on the flooding and Kevin McEnaney described what he had learned from attending the selectmen's meetings. He gave a detailed account of their meetings which basically boiled-down to the fact there was not much they could do or report on until the Feds had come-up with their figures.

With no further business, a motion to adjourn was made by Scott Grant; seconded by David L. Patch. Vote: All in favor. The meeting adjourned at 7.02 pm.

Respectfully submitted,
Barbara Bush
Recording Secretary