

**TOWN OF BARTLETT PLANNING BOARD  
PUBLIC HEARING**

**September 6, 2017**

**Members Present:** Chairman Philip Franklin; David Shedd; Peter Gagne; Scott Grant; Kevin Bennett.

**Members Absent:** David L. Patch; David A. Patch.

**Also present:** Burke York of York Land Services; Jim and Sue Tuttle; Scott Drew.

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

**1. Public Hearing: James & Susan Tuttle, 216 Town Hall Road.** File: 2017-1233. This is an application to subdivide a 6.49-acre parcel into three lots containing 3.48, 1.65, and 1.36 acres respectively. The property is identified as Tax Map 1TOWNH-1, Lot 134R02.

Burke York presented and provided two plans. One copy showed all the features required by the subdivision checklist, and the other was a “stripped down” version which only showed how the property was being subdivided and accessed, and did not contain extraneous lines such as topographic contours and soil boundaries, etc. Mr. York suggested this version may be easier for members to follow for the purpose of his presentation.

Mr. York said due to wetlands and the lot’s proximity to the East Branch River, a HISS study had been performed by soil scientist Greg Howard. Mr. York advised all lots would have frontage on Town Hall Road, and would share the driveway which currently accesses the Tuttle’s home. He pointed-out on the plan how the driveway accessed each lot. It was noted the drive serving Lot A through the rear of the property was very long. Scott Grant asked if it was like that to avoid crossing wetlands on the property. Mr. York agreed it was. The Chairman asked if there were any questions from the board. Peter Gagne asked whether the driveway had to meet setbacks, particularly near the rear boundary, but was told if the driveway was shared then setbacks were not required. David Shedd said what stood out for him was that the “finger” of land providing road frontage for Lot A had been narrowed-down as it went into the lot, and asked what the reason for doing that was. Mr. York said he usually tries to run boundary lines through the middle of wetlands, and had he tried to run the line parallel by moving it to the right, it would compromise building setbacks for Lot B. The Chairman verified with Mr. York that all lots had adequate density and test pits had been dug on each. Mr. York confirmed this and said an extra test pit had been dug in the area shown as a “grassy knoll” on the plan. He said the test pit locations and 4k septic areas were shown on the plan. The Chairman asked whether there were any future plans to expand the Tuttle’s present two-bedroom home, which Mr. York had described as being a garage with an overhead apartment. Mr. York said the apartment was not going to be enlarged, but since the soils on Lot C could support five bedrooms the Tuttle’s were contemplating building a two-bedroom ADU higher-up on their lot. It was agreed they would need to go to the selectmen for a building permit for this.

David Shedd said one of the things the board looks at is the length of driveways relative to emergency vehicle access, and noted the length of the drive to Lot A was not shown on the plan. Mr. York pointed-out where the centerline of the drive was located, and said the length was approximately 750-ft. from Town Hall Road and about 650-ft. from the turnaround. Mr. Shedd then asked whether pins had been set along the boundary of Lots A and B. Mr. York said that had not been done yet. He indicated his intention tonight was to ask for conditional approval in anticipation of state subdivision approval. He said he had not applied to the state yet as each lot cost \$300 for the state to review. He said he did not want to expend that much of his client’s money until he knew he had approval at the planning board level.

The Chairman asked if the board had any further questions before he opened the meeting for public comment. Peter Gagne noticed a greenhouse shown on the plan appeared to be located in the setback. Mr. York said it was possibly 6-ft. into the setback, but that it was not permanently attached to the ground and could be moved. David Shedd expressed concern about granting conditional approval. He said he understood where Mr. York was coming from in regards to the expense involved going to the state, but said in general he does not like it. He asked Mr. York if he had any suggestions as to what else the board could do. Mr. York said if the board wanted to provide a verbal agreement that they had no issues with the subdivision, he would be fine with that. Peter Gagne indicated he had no problem with granting conditional approval. The Chairman, while acknowledging Mr. Shedd’s concerns, said he had no problem with the conditional approval concept either, so long as the

conditions which needed to be met were fully spelled-out and documented. He noted final approval is not granted and the plan is not signed or recorded until all the conditions had been met.

The Chairman then called for a motion to accept the application. Motion made by David Shedd; seconded by Peter Gagne. Vote: All in favor. He opened the public hearing and abutter Scott Drew spoke. Mr. Drew said he wanted the Tuttle's to be able to do what they wanted with their property and said his question was in regards to the location of the corner pin and boundary between his property and the Tuttle's. Mr. Drew said his deed referenced his boundary as being the thread of the brook, but the plan showed it as being further away at the site of an old culvert. He asked for clarification of this. Mr. York explained how he had held bearing distances based on the original survey plan by Thorne Survey to determine the corner of Mr. Drew's property. He said he had located pins and other monumentation which correlated with the Thorne plan and suggested perhaps the culvert had been relocated or changed after Tropical Storm Irene. David Shedd said he lived on Town Hall Road and had no recollection of the culvert being replaced. Mr. York said he will check with the road agent to verify whether the culvert location had ever been changed. He said if the boundary needed to be changed slightly, that it was all wetland area and would not affect the lot sizing since the wetlands weren't used for density calculations.

With no further comments from the audience, the Chairman closed the public hearing. He summarized the items which would need to be addressed before the application could be approved as setting the survey pins; move the greenhouse out of the setback; verify the location of Scott Drew's corner monumentation and boundary, obtain state subdivision approval; show the length of driveway to Lot A and include pull-outs for emergency vehicles every 500-ft. With no further discussion from the board, the Chairman called for a motion to continue the application to the September 19 work session. Motion made by Scott Grant; seconded by Kevin Bennett. Vote: All in favor. David Shedd noted the plans submitted tonight were not signed by the surveyor nor the soil scientist, Greg Howard, and reminded Mr. York that needed to be done. Mr. York acknowledged this, and said the final plans and mylar would be signed by both parties. Before the Tuttle's left, David Shedd graciously complimented and thanked them for maintaining the flowers at the Glen intersection, saying how pretty they looked.

**2. Preliminary informal discussion** with Burke York re a proposed 5-lot subdivision of a 157± acre parcel owned by Robert B. Ferguson & John J. McInerney Jr. Revocable Trust on West Ledge and Middle Ledge Roads. Tax Map 2GLENL, Lot 69B00.

The Chairman invited Mr. York to address the board. Mr. York provided preliminary plans for a five-lot subdivision of 157± acres which was located off Middle and West Ledge Roads. Mr. York recalled this was land left over from a 40-acre subdivision which was before the board a year or so ago. The plan showed Lots A (10.37 acres), Lot B (40.4 acres), Lot C (16.7 acres), Lot D (5.8 acres), and an 84.5-acre lot identified as "remaining land" as all having access off a cul-de-sac at the end of West Ledge Road. In addition, the remaining land also had access off the end of Middle Ledge Road to accommodate any future subdivision plans for it. Mr. York said Lots A, B, and C would share a common driveway which would be located primarily on Lot B since it had the most road frontage onto the cul-de-sac. Scott Grant, who formerly lived at the end of West Ledge Road adjacent to this subdivision and who was still responsible for plowing, asked whether the cul-de-sac was going to be upgraded, enlarged, or repaved, noting there would not be much room to push snow back once the extra development occurred. He further noted the cul-de-sac was not constructed in the exact place as originally designed and approved. Mr. York admitted this was correct, but did not advise of any plans for an upgrade, saying that was up to the board. He drew the board's attention to Detail A on the plan which showed the original and as-built locations of the cul-de-sac.

David Shedd addressed the remaining land's access off the end of Middle Ledge Road, and asked where the town road ended. Was it at the cul-de-sac shown on the plan? Mr. York confirmed that it was, and that there was an approved subdivision at the end of the cul-de-sac with a right-of-way to three lots shown on the plan as 1, 2, and 3. Since the remaining land's access was off a right-of-way and not a town road, Mr. Shedd asked whether that was why Mr. York was keeping the 50-ft. frontage to the remaining land off West Ledge Road. Mr. York

referenced the 80' frontage off the ROW and noted the ROW was approved by planning board at some point. Mr. York cited the definition of "frontage" in the zoning ordinance as being "along a street or a street right-of-way," which was why he assumed the second access to the remaining land was permissible as shown. David Shedd expressed some unease about this interpretation and suggested Mr. York use caution about assuming it was correct. He told Mr. York he did not feel the board could approve something on a right-of-way and noted we couldn't even use frontage on a Class VI road, which is obviously a right-of-way. Peter Gagne added that he would also have a hard time approving the subdivision unless the cul-de-sac at the end of West Ledge Road was upgraded and built to the original design. Scott Grant suggested the town road agent be consulted for advice, and Mr. York agreed to do that. Mr. Grant advised that West Ledge Road was scheduled to be worked-on next year by the road crew, which may be an opportune time to incorporate any work on the cul-de-sac.

The Chairman asked whether test pits had been conducted on the four lots being developed. Mr. York said they had and David Shedd agreed, saying he had been present. The Chairman asked Mr. York whether he had any further questions. He said he thought everything had been answered and thanked the board for their time and advice.

**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.

This application has been continued indefinitely until a review by the town engineer review is completed.

**4. Review and Approve Minutes:** The minutes of the August 15 meeting were reviewed. In Item 4, Mail and Other Business, second bullet, Peter Gagne said he did not ask who was offering parking on West Side Road as he already knew that information. He asked that the notation be removed. Motion to approve the minutes of August 15, as amended, was made by Scott Grant; seconded by Kevin Bennett. Vote: 4-0-1, with David Shedd abstaining since he had not attended the meeting. Mr. Shedd offered an apology for not attending the meeting without notice.

**5. Mail and Other Business:**

- The board reviewed any mail listed on the agenda, as well as an invitation from Mt. Washington Housing Coalition to attend a workforce housing seminar and an invitation from NH Municipal Association to attend upcoming law lectures.
- The board reviewed an updated Voluntary Lot Merger form. The update included a new state-required provision which made it necessary for the applicant to document there were no mortgages on the properties being merged or, if there were, that the mortgage holder had been advised of the merge and had provided written approval. David Shedd asked about the use of the word "mortgagee" to describe the mortgage holder, or whether it should be "mortgagor". The secretary advised that was the word used by the state. Following a short discussion it was suggested changing the term "mortgagee" to "mortgage holder" may provide a clearer meaning.

With no further business, a motion to adjourn was made by Scott Grant; seconded by Peter Gagne. Vote: All in favor. The meeting adjourned at 7:18 pm.

Respectfully submitted,  
Barbara Bush  
Recording Secretary