

**TOWN OF BARTLETT PLANNING BOARD**  
**WORK SESSION**  
**October 18, 2016**

**Members Present:** Chairman Philip Franklin; David L. Patch; David A. Patch; Scott Grant; David Shedd; Richard Stimpson; Peter Gagne. **Members Absent:** None.

**Also in attendance:** Chris Marchione of Story Land (arrived at 6:20 pm); Norman Head.

The meeting was opened at 6:00 pm by Chairman Philip Franklin, who reviewed the agenda. Since the applicant for the first item on the agenda, Chris Marchione, had not yet arrived the board proceeded to Items 2 and 3.

**2. 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.

Plans for this application are still in the process of being reviewed by the town engineer. There was nothing new to present tonight, and the application had previously been continued to the November 4, 2016 public hearing. The Chairman requested that if no action was taking place on this application and the applicant wasn't expected to be at the meeting, that it be placed below the other items on the agenda with a notation indicating it was an active and continued application but no discussion was being planned. This would prevent folk who had an interest in the project, particularly those from Stillings' Grant, from making an unnecessary trip to town hall for the meeting. He also mentioned that a previous motion to extend the approval deadline for a further 65 days resulted in the deadline falling on Thanksgiving Day. It was discussed whether a new motion should be made to extend it to the December public hearing, but it was decided to wait in case the technical review was completed before then. David Shedd indicated he had no problem with continuing the application so long as the applicant showed up at the meetings.

**3. Preliminary Review: Beechwoods at Intervale, Route 16A.** File: 2016-1216. Amendment to previously-approved and recorded subdivision plan. Tax Map 1RT16A, Lot 218R00.

This is an application to amend a previously-recorded subdivision plan for Beechwoods at Intervale to show a new location for Unit 23. The board reviewed the plan. Peter Gagne questioned whether this was the same situation as a proposed boundary-line adjustment in Stillings' Grant whereby the common land was being adjusted, and asked if it was allowable for Unit 23 to be relocated into the area shown. David A. Patch noted this was a PUD, where everything other than the building footprints, and maybe the driveways, was considered common land. He said they were not changing the number of lots, merely locating one of the units. David Shedd commented that Unit 23 was being moved to the end of a roadway which would have provided access to what would have been Phase III. He noted once the building was there, there would be no way to reach the Phase III land. The Chairman recalled that the owners had already ceded plans for the development of Phase III. Peter Gagne said he would like to see a copy of the originally-approved Phase II plan which showed the locations of the lots. The application will be formally submitted at the November 7, 2016 public hearing.

**1. Site Plan Review Determination - Festival Fun Parks (Story Land):** File: 2016-1220. Chris Marchione arrived and explained that Story Land had been offered the opportunity to add an ice castle to the park as a winter attraction. The castle had previously been located in Lincoln, NH, but Lincoln had been unable to accommodate it this winter and thus Story Land had been approached. He provided color photographs of the castle and explained how it was made by spraying water onto forms, which then froze to represent a castle. Mr. Marchione said it would not be located in the park itself, but would still be on Story Land's main parcel in the area where the summer workcampers lived. It would not be visible from Route 16, which was 745-ft. away. He said it would obviously not be a permanent structure since the ice will eventually melt, and the runoff would be collected by adjacent wetlands and an existing on-site pond. Mr. Marchione said it was proposed to open the castle from December to March, weather permitting, from 3:00 pm to 7:30ish during week days, and 3:00 pm until 10:00 pm on weekends. The rest of the park would not be open and warming huts and food facilities would not be offered. When asked about restroom facilities, Mr. Marchione said Porta potties would be provided. The Lower Bartlett Water Precinct had assured Mr. Marchione they would have no problem providing the six million gallons of water necessary to build and maintain the castle over the three-plus-month period, and would appreciate the extra income. Mr. Marchione asked whether the board thought Story Land could do this, as the decision was time-sensitive due to piping having to be installed by mid-November.

David L. Patch said he believed most of the items covered by site plan review had been addressed in that the ice castle was not a permanent structure and was not fixed to the ground; could not be seen from the highway; was not a change-of-use from the type of entertainment Story Land typically offers and had plenty of parking. In his opinion, he felt site plan review was not warranted. The Chairman said he tended to agree with Mr. Patch and asked whether anybody wanted to make a case that site plan review would be required. The board was also in agreement, and a motion was made by Scott Grant; seconded by Peter Gagne that the ice castle being proposed by Festival Fun Parks at Story Land during the winter months would not be subject to site plan review. Vote: All in favor. The selectmen will be advised of the board's decision.

**4. Minutes:** The board reviewed the minutes for the September 20 and October 3 meetings. In the September 20 minutes, David Shedd noted a missing word. On page 1, Item 1, third paragraph, nine lines down the word "other" should be added so that the sentence read, ". . . for the professionals to work with each other. . ." In the same minutes on page 2, thirteen lines down, David Shedd asked that the wording which read, "David Shedd confirmed with Mr. Berry that the residences were on the same water line as the hydrants" be changed, saying he was in no position to confirm anything with Mr. Berry. The intent of the wording was explained as being Mr. Shedd had asked Mr. Berry whether the residences were on the same water lines as the hydrants, and Mr. Berry had replied in the affirmative, thus confirming that they were. The Chairman suggested the sentence be revised to read, "Mr. Berry informed Mr. Shedd that the residences were on the same water lines as the hydrants." In the preceding sentence, Mr. Shedd questioned a remark attributed to Mr. Berry that the existing upper pump house was already constructed with a very large reservoir and pressure tank. He was informed those were the words Mr. Berry had used, and a suggestion was made that he ask Mr. Berry about the accuracy of the statement when he attended the next meeting. In the same paragraph, third to last line, in another statement from Mr. Berry that referenced "the wells had plenty of water and were capable of supplying even the 363 blocks initially approved under the master plan," Mr. Shedd said they would certainly not be blocks, they would be lots. Mr. Shedd said he would be surprised if there were that many lots and wondered whether that really was the original number. David L. Patch recalled that the original number they wanted was almost seven hundred, and he believed 363 was the final number approved. Over the years and with the change in ownership to AMSCO, that number had been reduced to 210. Mr. Patch said they were actually not "lots" either, as the approval had been for a certain number of "3-bedroom dwelling units." In the following paragraph, Mr. Shedd asked that word "old" be removed from the reference to a letter he had received from the fire chief regarding fire suppressant requirements. Mr. Shedd asked whether minutes usually reflected the words that were actually used by speakers at the meeting, whether they were technically accurate or not. He was told that was usually the case, but people's comments could be clarified if they were found not to be correct. The Chairman asked if there were any further questions or comments on the September 20 meeting. With none, a motion to approve the minutes, as amended, was made by Scott Grant; seconded by Rich Stimpson. Vote: 6-0-1, with David A. Patch abstaining since he was not present at the meeting.

The minutes of the October 3, 2016 meeting were reviewed. The Chairman said he had one question regarding a comment made in Item 5, Zoning Ordinance Amendments. On page 3, second paragraph, 4<sup>th</sup> line, the Chairman said the way he read the words, "At the moment our height restriction for buildings is 38-ft., so there is nothing to prevent someone from adding a 38-ft.-high addition to a single-story residence," as meaning someone could add a 38-ft. high addition to their single-story home, possibly resulting in a 50-ft. high structure. After a long discussion to clarify the intent that any building cannot exceed 38-ft in height, it was decided to revise the sentence to read, "... to prevent someone from creating an addition to a single-story building so long as the height of the total structure did not exceed 38-ft." On page 1, Item 3, Minutes, David A. Patch also noticed numerous mentions of "October 20" meeting or minutes. This was in error, and all references should read "September 20." A motion to approve the October 3 minutes, as amended, was made by Scott Grant; seconded by David L. Patch. Vote: All in favor.

Scott Grant left the meeting at 7:25 pm. The Chairman invited Norman Head to sit at the table and participate in discussions on zoning amendments.

**5. Zoning Ordinance amendments:** The Chairman said he would like to try to finalize some of the wording for the proposed zoning amendments tonight. He noted an upcoming seminar sponsored by the housing coalition which was

designed to assist towns with zoning wording to comply with the new RSA involving Accessory Dwelling Units (ADUs), was being held in November. A board representative is planning to attend this seminar to help ensure that all requirements were covered in our new amendment wording. The board re-reviewed a short list of preliminary items for consideration as zoning amendments, which had also been discussed at previous meetings.

The first item on the list involved a new state-mandated RSA which will come into effect next year involving ADUs. After discussion, the revisions agreed to by the board, so far, included the following: (1) Change the term for this type of accommodation from the current "accessory apartment" to the new statutory term of "accessory dwelling unit." (2) Limit the number of bedrooms allowed to two, and impose a maximum limit on the total size of the ADU to 800 sf. (3) For purposes of minimum land area requirements, increase the requirements for a 2-bedroom ADU to 2/3rds of that required for a 3-bedroom dwelling unit, while leaving a one-bedroom ADU as 1/2 the density of a 3-bedroom dwelling unit. (4) An ADU will not be counted towards the two-dwellings-on-a-driveway regulation. (5) Owner-occupancy of either the primary dwelling unit or the ADU will not be required. (6) Stand-alone ADUs are permitted so long as they are under common ownership as the primary dwelling unit and are on the same parcel of land.

The second item involved the number of dwelling units allowed to be served by a single driveway. The board agreed increasing the number from two to three (3), was appropriate. This number would not include ADUs. If more than three were needed, the request would need to be considered under the provisions for a waiver. A long discussion, prompted by Norman Head, followed about the possibility of those three dwelling units then adding ADUs, and what negative impacts that could create. The Chairman noted that safeguards were in place by way of septic limitations, frontage, and overall density that would hopefully limit impacts when things were multiplied by two.

Next discussed was whether reducing the front residential setback for single or duplex homes on a single lot along Routes 16, 302, and West Side Road from 115-ft to 60-ft was warranted. This would result in the front setback being in conformity in all districts, but would not prevent people from still having a 115-ft. setback if they so wished so as to preserve the commercial aspect of their property. The board was generally in agreement with this concept so long as the commercial setback remained at 115-ft. David Shedd asked how the reduced setback would affect home industry and indicated he would like more time to think about it before making a commitment. Peter Gagne disclosed he was a property owner in the Village and said he would like to see a Village District looked at. He noted a lot residential development was taking place in the Stillings' Grant area, but said there were not many opportunities in the Village for the establishment of commercial endeavors to provide jobs. It was felt that even though past attempts to create a Village District had been unsuccessful, maybe times had changed enough that people may now be more receptive to the idea.

A new item added to the list was a suggestion made by a member of the public to extend the commercial zone along a small portion of Albany Avenue to allow the old Mallet store to reopen. The board discussed this briefly and noted that Bart's Deli sold staple items such as bread and milk, and that the issue would be more appropriate for discussion if and when a Village District was ever created. It will be removed from further consideration.

The Chairman addressed the issue of tent sales, and how long the tent could remain up for. This was an item Peter Gagne had brought-up at the previous meeting, at which time it was decided the secretary would research how surrounding towns addressed the issue. Discussions with town personnel from Madison, Ossipee, Tamworth, Chatham and Jackson, and research of Conway's website, revealed that the only town who imposed conditions on tent sales was Conway, who limited a tent being up for two weeks per year. Sidewalk sales were allowed on a seasonal basis. Mr. Gagne noted that Conway was probably the only town large enough to have any businesses conducting a tent sale. The Chairman said if Mr. Gagne wished to pursue the issue, that he was welcome to write something up for the board to consider. He further said that he would like to have the amendments finalized by next meeting in time to hold a first public hearing on December 5, 2016, with the option of holding a second on January 3, 2017, if necessary.

## **6. Mail and Other Business:**

- Items listed on the agenda were reviewed.

- Peter Gagne advised he would not be available to attend the December 20, 2016 work session nor the January 3, 2017 public hearing.

With no further business, a motion to adjourn was made by David L. Patch; seconded by Richard Stimpson. Vote: All in favor. The meeting adjourned at 7:48 p.m.

Respectfully submitted,  
Barbara Bush  
Recording Secretary