

**TOWN OF BARTLETT PLANNING BOARD
PUBLIC HEARING
October 3, 2016**

Members Present: Chairman Philip Franklin; David L. Patch; David A. Patch; Scott Grant; David Shedd; Peter Gagne. **Members Absent:** Richard Stimpson.

Also present: Sheila Duane of AMSCO; Norman Head.

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

1. Public Hearing: Attitash Mountain Service Co. (AMSCO), Parker Ridge Road, Stillings' Grant. File: 2016-1218. Equal-area boundary-line adjustment involving 3,875 sf (0.09-acre) between Tax Map 5STLNG, Lots A38, A42, and CL-MAS (common land).

The Chairman advised that he was an abutter to the AMSCO projects and also served on the Stillings' Grant Owners Association, and that he would recuse himself from their discussion and hand chairing duties over to Vice-Chairman David L. Patch. Sheila Duane presented, and advised that several abutters had been missed during the notification process. She requested that the board accept this application and continue it to the November public hearing to allow time for these abutters to be notified. The Vice-Chairman asked if the board had any questions. With none, a motion to accept the application was made by David Shedd; seconded by Scott Grant. Vote: All in favor. A motion was then made by Scott Grant; seconded by Peter Gagne, to continue the application to the November 7, 2016 public hearing. Vote: All in favor. Sheila Duane noted the board had sought advice from the Municipal Association regarding this application and asked whether the board would share the response they had received. Permission was given for the secretary to forward the emails to AMSCO.

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.

Sheila Duane presented and said there was nothing new to report on this application as the technical details were still in the process of being reviewed by the town's consulting engineer, Burr Phillips. The Vice-Chairman called for a motion to continue the application to the November 7, 2016 public hearing. Motion made by David Shedd; seconded by Scott Grant. Vote: All in favor. David Shedd advised that he had provided Joe Berry with a copy of a 2006 letter he had received from the fire chief regarding fire suppression requirements at Stillings' Grant, but had not yet given a copy to the board. The Vice-Chairman suggested the board review the letter at the November public hearing. Mr. Shedd gave a copy of the letter to the secretary so that copies could be made for distribution to board members.

The Chairman stepped back on the board.

3. Minutes: David Shedd asked that review and approval of the September 20, 2016 work session minutes be postponed, saying he had only received them today and had not had enough time to read them thoroughly. Since all other members had read the minutes and were ready to vote, Mr. Shedd was offered time to read them tonight but indicated he would prefer to wait until the next meeting. Several members felt the minutes should be voted on tonight. The Chairman said one thing he would like the minutes to do was to lay-out the scheduled timetable for the zoning amendments in more detail. The Chairman said he believed a public hearing was going to be held in October. Discussion about whether October was a little early to hold the public hearing as it didn't allow consideration of any suggestions that may be thought-of and proposed after-the-fact. David L. Patch agreed the public hearing had usually been held in January, or sometimes in February if two were needed. He said if the subjects were not controversial at all, we just went ahead with the amendment, as-is, after one meeting. If a lot of public input was generated causing substantial changes, then a second meeting would be held. Mr. Patch noted we were not under the gun yet. The Chairman said it had been indicated to him that things needed to be wrapped-up by December. Norman Head advised the final proposal to amend zoning ordinances must be filed with the town clerk five Tuesdays before town meeting, which will be held on March 14, 2017. The Chairman then called for a vote to postpone review of the September 20 minutes to the next meeting. Motion made by David Patch; seconded by David Shedd. Vote: 3-2-1, with Peter Gagne and Scott Grant voting in the negative, and David A. Patch abstaining since he was not at the September 20 meeting.

4. Mail and Other Business: The board reviewed a copy of an amended NHDES subdivision approval for Crossroads Building Co. (Beechwoods) which showed the new location of Unit 23.

5. Zoning Ordinance amendments: The board reviewed a short list of preliminary items for consideration as zoning amendments. The Chairman asked whether the board wanted to discuss the items tonight, or wait until more had been added and the list finalized. The Chairman advised whatever we came up with, he wanted the items to be reviewed by the selectmen prior to the public hearing. It was decided to discuss them on a preliminary basis tonight, though no decision will be made. Peter Gagne had previously indicated he would email a list of his suggested changes, and was asked whether he had anything to add. Mr. Gagne said his main concern was with tent sales and how long the tents remained up. He said, in his opinion, the tents were an eyesore and were very publicly visible. Mr. Gagne felt some time limit should be imposed on how long the tent sale could last. The Chairman suggested researching how surrounding towns dealt with the matter. Selectmen's representative David A. Patch was asked whether a fee was associated with tent sales and what classification they fell under. Mr. Patch said he wasn't sure, but didn't believe there was a fee involved. He said the selectmen had received a few complaints and agreed regulations regarding them should probably be nailed down.

The first item on the list involved a new state-mandated RSA which will come into effect next year. The new RSA addressed the topic of accessory dwelling units (ADU), with the main issue being that towns were no longer able to deny this type of accommodation. Since Bartlett already allows ADUs, a lot of the new rules did not apply to us; however, some of the restrictions we impose need to be revised. At the moment, Bartlett only allows a one-bedroom unit, but the new regulations say that restriction is no longer allowed. A two-bedroom limit can be imposed, as can a size limit, but the size cannot be less than 750 sf. Several other options available to towns to limit the impact of an ADU include imposing a limit on how many people could occupy each bedroom, and requiring the owner to occupy either the principal dwelling or the ADU, but which unit the owner occupied could not be specified. Discussion ensued as to whether the units needed to be contained in the primary dwelling (no); whether a new freestanding garage or barn could be constructed to support a contained ADU (yes, so long as it was under the same ownership and on the same lot); whether an ADU would count as the second dwelling unit allowed to be served by a single driveway; and whether MLAR requirements needed to be increased to accommodate a second bedroom (state septic requirements for the combined principal dwelling and the ADU still need to be satisfied, but increasing the town's density 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 appeared to be appropriate).

The next item listed involved increasing the number of dwelling units allowed to be served by a single driveway. For the most part, the board agreed that the number should be increased. While there was no agreement as to what the actual number should be, everyone felt an upper limit should be imposed. David L. Patch said he would be happy with five, as most people do not have enough land to support five homes. He said with a number like that, the issue would never have to be touched again and it would allow people to develop lots that were actually affordable. However, he acknowledged that most of the instances where people sought a waiver to allow more houses on a drive could have been satisfied had our zoning allowed even three. Peter Gagne felt five was too many unless the drive was built to town road standards. David Shedd felt three may be okay, but if any more than that then better driveway standards should be considered. David L. Patch said he would have no problem setting specific regulations for anything over two. Scott Grant expressed concerns about access and maneuverability of fire and emergency vehicles and tenant parking congestion if there were any more than three. David L. Patch noted our driveway specs already call for a turnout every 500' to allow emergency vehicles to pass, and with five houses that distance would soon be reached.

The Chairman wondered whether it would be better to leave the number at two and treat anything above than on a case-by-case basis with waivers. David L. Patch felt road regulations should not be arbitrary. People should know what they can or can't build in the town, and every piece of property should be treated the same, within reason. Norman Head was then invited to sit at the table. The Chairman said it was understood that Mr. Head was not a member of the planning board, but was very knowledgeable about local affairs and his opinion was valued. Mr. Head offered that two houses on a driveway was perfect. He said if we allowed three, then people would be coming in looking for four. He agreed with the concept of considering them on a case-by-case basis by seeking a waiver or

variance from one of the land-use boards. A long discussion ensued about driveways, subdivisions, and land development in general, and the Chairman said the discussion would continue at a later meeting.

Next discussed was whether reducing the front 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. This would not prevent people from still implementing a 115-ft. setback if they so wished, so as to retain commercial rights, but it would provide an option for those who simply wanted to build a single-family home. David L. Patch stated this would only apply to new construction as anything in existence at the moment would be grandfathered. Should someone choose to apply the 60-ft. setback, that would then mean that the residential building could never be converted to a commercial use. The board was generally in agreement that this would be a fair alternative for residential property, especially in the Village where blocks tended to be smaller. It was felt the commercial setback should remain at 115-ft. Peter Gagne disclosed that he owned commercial property in the Village, and felt the commercial setback could also be 60-ft. It was acknowledged that conditions in the Village were constrained by not having town septic and by unique physical characteristics such as a high groundwater table, etc. and a brief discussion ensued about the practicality of developing a Village District. It was noted this endeavor had been attempted several times in the past, but had never been fruitful.

The last item on the list pertained to the permitted 50% one-time expansion of a structure of record which did not meet setback requirements. The zoning presently allows the dimension or side that is non-compliant to be extended up to 50%, so long as the expansion does not violate any existing non-conforming setbacks. A question had been raised by a citizen whether the height of the expansion should also be limited. At the moment, our height restriction for buildings is 38-ft., so there is nothing 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. The board members discussed this, but were of the opinion that the regulation was fine, as written. They acknowledged that there could be instances where a neighbor's view would be comprised by the addition, but didn't feel that warranted a change to the ordinance. The Chairman said this item will be removed from the list and not given further consideration.

Sundry other items brought-up by board members included the length of time political and real estate signs were left up. It was noted political signs were supposed to be removed a week after conclusion of the election, but that did not appear to always happen. Norman Head decried the actions of a lot of local real estate agents who did not comply with our sign regulations, either. It was felt these instances were due to lack of enforcement and Mr. Head felt the police department should have the authority to physically remove any illegal sign. It was also discussed whether the zoning should be amended to clarify that all portions of a dilapidated structure could be removed once the original corners had been professionally located and established.

Peter Gagne noted that the master plan always talked about road improvements and asked whether the town had a road plan, i.e., a maintenance and improvement plan, in place. While there was no official plan, David A. Patch said the road agent had a pretty good idea of what work needed to be done, and on which roads, but it was just a matter of how much money was available to do the work. Scott Grant agreed with the idea of a formal plan, citing the school maintenance plan as an example. Mr. Gagne also noted the master plan always called for improvement to police facilities and asked why nothing had ever been done. The short answer given was that money needed to be allocated by petition at town meeting.

With no further business, a motion to adjourn was made by Scott Grant; seconded by David Shedd. Vote: All in favor. The meeting adjourned at 7:20 p.m.

Respectfully submitted,
Barbara Bush
Recording Secretary