

**TOWN OF BARTLETT PLANNING BOARD
PUBLIC HEARING**

November 15, 2022

Members Present: David L. Patch; Kevin Bennett; Scott Grant; David Shedd; Michael Galante; Joe Heuston. **Members Absent:** Gus Vincent.

Also Present: Alec Tarberry and Sheila Duane of AMSCO; Mark Lucy of Horizons Engineering, White Mountain Survey and Engineering Division; Burr Phillips of Civil Solutions, LLC.; Jeff Graves.

1. Pledge of Allegiance: Chairman Scott Grant opened the meeting at 6:00 pm, led all present in the Pledge of Allegiance, and reviewed items on the agenda.

2. Voluntary Merger of Lots: Elizabeth Ann Reed and Ulrich Klingbeil, 32 Hammond Road, Belmont, MA 02478. File: 2022-1286. Application to merge properties at 46 and 52 Parker Ridge Road in Stillings Grant, Bartlett. Properties are identified as Tax Map 5STLNG, Lots A26 and A27.

The board reviewed this application to voluntarily merge two lots in Stillings Grant and found no issues with it. Motion to approve the merge made by David Patch; seconded by Kevin Bennett. Vote: All in favor.

3. Voluntary Merger of Lots: William H. Bestgen, Jr. 2011 Family Trust, William H. Bestgen, Jr., Trustee, 30 Clara Howard Way, North Easton, MA 02356. File: 2022-1287. Application to merge properties at 44 Riversbend Road, Bartlett. Properties are identified as Tax Map 2ELLIS, Lots 6-0, 7-0, and 8-0.

The board reviewed this application to voluntarily merge three lots on Riversbend Road and found no issues with it. Motion to approve the merge made by Michael Galante; seconded by Joe Heuston. Vote: All in favor.

4. Informal non-binding informational discussion with Jeffrey Graves, Graves Family Revocable Trust: File: 2022-1288. A proposal to subdivide a 260-acre parcel into two lots to create a 89± acre parcel intended to be gifted to the Upper Saco Valley Land Trust. Property is known as Saco Crag and is located on West Side Road in the vicinity of Humphrey's Ledge.

Mr. Graves was before the board to discuss a proposed subdivision as described above. He provided a copy of the original subdivision plan and a large aerial photo of the area which the board was very interested in viewing. He also showed a photo taken from the Scenic Vista where the property could be seen in the background. He said the property consisted of approximately 260 acres and he was proposing to subdivide 89 acres from it to gift to the Upper Saco Valley Land Trust. Mr. Graves described the general area the 89 acres would encompass by citing local landmarks such as Pitmans Arch, the National Forest, the Humphrey's Ledge swimming hole, and his personal home as references. David Patch asked whether the Land Trust parcel would actually include the arch itself. Mr. Graves said no.

Mr. Graves said his property comprised two lots and his plan was to merge both lots into one, and then re-subdivide the resulting single parcel back into two lots, one of which he would retain and the other would be gifted to the Land Trust. He said doing it this way ensured he was not creating non-

conforming lots which were landlocked or did not have road frontage, etc. As currently configured, he said one of his lots was landlocked. Mr. Graves said his aim was to prevent future development of his land and to protect the view from the Scenic Vista. This is why he felt the Land Trust would be a natural steward and protector of the land. The board felt Mr. Graves had a sound plan and did not feel there should be any problems subdividing a large parcel such as this. David Shedd wondered whether the Land Trust would be more engaged if the lots were merged sooner rather than later so they did not have to wait or be held up. When he asked Mr. Graves whether he was planning on coming back in the spring, Mr. Graves said yes, that he would rather do everything in the same year so things did not get any more complicated than necessary when it came to tax bills.

David Patch explained to Mr. Graves that lot mergers were easy to accomplish, as evidenced by the first two applications tonight. They did not require public noticing or abutter notification and could be approved in one meeting. Mr. Graves asked if the lot merger and the subdivision could both be done on the same night. He was told no, as deeds needed to be provided which correctly identified the individual lot number, size, and owner, etc. David Patch said the biggest thing was to make sure the lots had adequate road frontage. Mr. Graves said there would be approximately six to seven hundred foot of frontage.

The Chairman asked if there were any questions. Kevin Bennett asked about the future intentions of the Land Trust and were they proposing to open the land to the public and put in trails and parking lots. Mr. Graves said there was already a trail and a right-of-way which was shared with the state and which people took their ATVs on. Mr. Graves felt they may want to provide access for people who wanted to walk up Humphreys Ledge, but he did not feel they had any grandiose plans. Mr. Bennett wondered if they were going to put in a public parking lot, such as similar organizations had done in Jackson and on East Branch Road for the glade skiing, as well as a proposed one on Dundee Road, but said it sounded as though there is already one on Mr. Grave's property. Mr. Graves said there was no parking lot and people parked along the side of the road. David Shedd noted that was not the planning board's business and asked Mr. Graves whether he was giving the land with any conditions attached. When Mr. Graves said there were no conditions, Mr. Shedd suggested he may want to consider just what rights he was giving away. If he was giving the land for a specific purpose, then he may want to state that purpose rather than giving the Land Trust the right to do whatever they wanted. Mr. Graves said he would address that. Kevin Bennett mentioned how the ski organization on East Branch Road had cut a lot of timber on the land that was donated to them and sold it to raise money, and how that original lot had been a very nice one. He said the ski touring in Jackson had done the same thing. Mr. Graves said the Land Trust appeared to share his goals but he would certainly look into legally documenting those goals. David Patch said nobody knows what will happen thirty years down the road, but Mr. Graves has the opportunity, right now, to make known exactly what he wants to happen, and for his wishes to remain in effect for perpetuity.

Mr. Graves thanked the board for their time and advice.

5. Continuation/Final Approval: Attitash Mountain Service Co., LLC, Stillings Grant. File: 2022-1279. Application to subdivide Block F into twelve residential units and the extension of Cave Mountain Road. Tax Map 5STLNG, Lot F00.

The Chairman noted the board had just received a copy of the NHDES letter granting approval for the expansion of the Stillings Grant water system. He invited Alec Tarberry, Sheila Duane, Mark Lucy, and Burr Phillips to the table. Mr. Lucy provided a two-sheet subdivision plan as well as two mylars for recording. The Chairman asked whether there were any changes to the plan since Mr. Lucy was in for conditional approval. Mr. Lucy said there was a very minor change on Sheet 2 which showed a small jog in the boundary line between Lots F5 and F6. He said the jog was the result of DES lot loading requirements, but did not affect anything with their approval since Lot F5 was larger than 5-acres and did not require subdivision approval, and Lot F6 became a little larger than it originally was. Mr. Lucy said he only mentioned it because he was asked whether anything had changed on the plans.

The Chairman asked if there were any questions from the board. Kevin Bennett asked about the 4-year expiration date on the water system approval and asked what needed to be constructed within those four years. Mr. Lucy read from the permit which said it would expire 4 years from its date of issue (November 7, 2022), unless at least 50% of the water system construction and associated pump station has been completed and does not relieve the applicant from the obligation to obtain other local, state, or federal permits that may be required. Mr. Lucy said that was addressing the water system expansion only for Block F. Mr. Lucy noted the proposed booster station building located in an easement area right off the right-of-way of Cave Mountain Road in front of Lot F6

The Chairman said the selectmen's representative, Gus Vincent, was not present tonight but that he had spoken to him today to ask what the selectmen had to say about things. He was told they were 99% good-to-go and the road design had been accepted, etc. Burr Phillips noted the board had granted conditional approval to this application and that he had reviewed the final plans and, at that time, he felt that all the conditions had been met, except for the state's approval of the water system and the bond. These items had now been received. The Chairman acknowledged the board had received Mr. Phillips' review letter of the final plans. David Shedd said he was going to ask if we could go over the conditions of approval as he was not aware of Burr's letter coming to us. The Chairman said it was received probably back in July. Mr. Shedd said if Burr was happy that all the conditions had been met, then he was fine with that, as well. Burr remarked that even the water system approval number had been added to the plan, which he was happy to see.

David Shedd brought-up the fact that the fire chief was required to sign-off on the plans as each block was approved. He said the chief had approached him to say he was a little uncertain as to what he was supposed to be signing-off on as he had not seen a copy of the final plan. Mr. Shedd acknowledged the chief could not deal with the fire suppression system until Block G was developed, but suggested when that time came, someone needed to take responsibility to keep the chief updated and provided with plans so he was not placed in the same position again. Mr. Shedd said, as far as Block F goes, he did not see the need to hold final approval up. He said he would not be voting to approve, but would not vote to oppose, either. This was because he wanted to let the fire chief know that we respect his position. Mr. Shedd said what he was saying with his vote was that he wasn't disagreeing, he was only letting the fire chief know we're trying to pay attention. Sheila Duane described how she had attempted to contact the chief on multiple occasions through email and phone calls, but had only made contact with him this afternoon. She said when they conversed, the chief wanted to know the distance between two of the fire hydrants. She said Mark Lucy had looked at that and she felt whatever concern the chief had over the distance had now been addressed.

The Chairman and David Patch also said they had spoken with the fire chief today. Mr. Patch said he told him he probably did not have much to sign-off on for Block F, as former chiefs had determined fire protection was adequate through F, but Block G would be a different matter and there would need to be a lot more conversation as things progressed.

David Shedd asked Ms. Duane whether it was the developers intention to install the two hydrants spoken of earlier. Ms. Duane said yes, that they were going to put the infrastructure for the hydrants in the ground when the road was built. However, the hydrants themselves would not be installed during the road construction because they would need to be bagged as they would not be in use, but they would be stubbed out. When David Shedd asked why the hydrants would not be in place as well, he was told because the fire chief felt that confused people when they think it is an operational hydrant and he would rather have them just stubbed out. David Patch asked whether the hydrants were proposed for use in Block F, or were they for future use. Ms. Duane said they would serve Block F once water was put in. She said the board could rest assured the water tank would be put in and produced an invoice from the tank manufacturer and her canceled check showing it had been paid. The Chairman asked how big the tank was and was told 120,000 gallons.

Mark Lucy spoke and said, for the record, he had known Chief Currier since he was a boy. He had even dated his sister, and had stayed in touch with the family, whom he respected. He spoke about this project having many players and about whose responsibility it had been to go to the selectmen over the road and to the fire chief about water. Mr. Lucy said his company would be happy to keep communicating with the chief, as they had been doing, and to imply that Chief Currier was not being respected was just not correct. The Chairman said he did not feel that was the implication the board was presenting. He said the chief was relatively new and had not been involved with this project from the start. When he indicated he was not quite sure what he was supposed to sign-off on, the Chairman said he wasn't sure either, but provided him with a couple of hints.

Kevin Bennett said he had also spoken to the chief recently about this project and sometimes he had questions as he does not have the entire NFPA code book. Mr. Bennett, who is a member of the Bartlett fire department and also the town of Jackson's building inspector, said the 2018 NFPA code requires a maximum distance of 600-ft. for a one and two dwelling unit. He said if he spoke to Chief Currier again, he would say another hydrant was needed under Section 18.5.2. When Mark Lucy said he thought the distance was 800-ft., Mr. Bennett said that distance had been updated in the 2018 Code and it was now 600-ft. Mr. Lucy and Mr. Bennett scaled-off the distance on the plan between the two hydrants and it appeared to be greater than 600-ft.. Mr. Lucy mused that if this were a simple lot subdivision with individual wells and septic, hydrants would not even be required and David Patch noted that the prior chief's 1989 letter stated things were all set up through Block F. Burr Phillips agreed with that understanding and said when Block G comes along, the developer can be made to put in as many hydrants as the board wants. He suggested, knowing what was down the road, it may make sense for AMSCO to install a stub for another hydrant now, whether it was on the plan or not. David Patch said he did not think we could force that to happen based on the 1989 letter. After listening to this exchange, Alec Tarberry said if another hydrant was needed that AMSCO would be more than happy to commit to that happening. David Shedd recalled he had requested a reference to the 1989 fire chief's letter be added to the plans, but he did not see where that had happened. Mark Lucy directed him to Sheet 1, Reference 12 of the plan set where the information had been added.

The Chairman asked if the board had any further questions. With none, he called for a motion to grant final approval. Motion was made by Joe Heuston; seconded by David Shedd. Vote: Five in favor with Kevin Bennett indicating he would vote no because he believed another hydrant was needed. Burr Phillips said he was sure that would happen. When Alec Tarberry assured Mr. Bennett the hydrant would be installed, Mr. Bennett voted yes. Final vote: All in favor.

6. Review and Approve Minutes: The minutes of the October 18, 2022 meeting were reviewed. Motion to approve the minutes, as written, was made by Mike Galante; seconded by Kevin Bennett. Vote: All in favor. There were no minutes for the November 7, 2022 meeting as it was not held.

7. Mail and Other Business:

- Since the mail listed on the agenda had already been discussed during the AMSCO hearing, the board spent a lot of time discussing zoning amendments, including a proposal to allow dormitory-style housing for seasonal workers at Story Land. The Chairman said he had spoken to representatives of Story Land and relayed that the board was not comfortable presenting the amendment itself and suggested they gather 25 signatures and submit a petitioned warrant article. He also suggested they should get a surveyor or engineer to determine what the land behind the park would support for density. The board also spent a lot of time discussing a short-term rental amendment. Some members wanted to move ahead and put something on the ballot in March to meet the instructions voters passed this year, while others wanted to wait to see what the Supreme Court decision was. Nothing was decided, but the Chairman offered to go to the next selectmen's meeting and seek input from them.

There being no other business, the Chairman called for a motion to adjourn. Motion made by Joe Heuston; seconded by David Patch. Vote: All in favor. The meeting adjourned at 7:20 pm.

Respectfully submitted,
Barbara Bush
Recording Secretary