

**TOWN OF BARTLETT PLANNING BOARD
PUBLIC HEARING**

January 4, 2021

Members Present: Scott Grant; David L. Patch; David Shedd; Kevin Bennett; Gus Vincent. Participating remotely were Kevin McEnaney and Barry Trudeau. **Members Absent:** None.

Also Present: Andrew Fisher of Ammonoosuc Survey; Burke York; Julia King; Eileen Honen; Bill Honen. Joining the meeting remotely were Erin Darrow, PE; Brendan Goodspeed; Elizabeth Morin; Charles Slife; Carrie Slife.

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

2. Public Hearing: Donald Chase, III, Allen Road/Glenwood Avenue. File: 2020-1270. This is an application for an equal-area boundary-line adjustment between two lots identified as Tax Map 2ALLEN, Lots 25A and 25B. The applicant seeks to adjust the common boundary line between his two lots in order to better align it with the existing houses on the properties and their current uses. The adjustment involves approximately 1,500 sf and will not change the density nor the size of either lot.

Andrew Fisher presented. The board had reviewed the plan at the last work session and Mr. Fisher was asked whether any changes had been made since then. He said the line had changed slightly, but it was still an equal-area exchange which had no effect on lot size or density. He said the boundary line as it currently existed did not make a whole lot of sense, and the applicant was trying to “square it up” as best he could without changing the size of either lot, especially Lot 25A which was small. The Chairman asked if the board had any questions. David Shedd asked Mr. Fisher to explain what change had occurred to the line from the original plan to this one. Mr. Fisher pointed-out a small jog in the otherwise straight line. Mr. Shedd noted the portion of Glenwood Avenue between Allen Road and Littlefield Road was dirt, and asked whether it was a town road. He was told the town plowed and maintained it, which would appear to indicate it was. He asked whether that was how this property was accessed prior to Glenwood Avenue being extended to intersect with Route 302 further north. David Patch said he believed it was, as the entrance had been there for a long time.

With no further questions, the Chairman called for a motion to accept the application. Motion made by David Shedd; seconded by David Patch. Vote: All in favor. The public comment period was then opened and subsequently closed when nobody was present to speak to the project. A motion to approve the boundary-line adjustment was made by Kevin Bennett; seconded by David Shedd. Vote: All in favor. A mylar was provided for recording which the Chairman signed after the meeting.

3. Continuation/Final Approval: BBSK Properties, LLC, 457 NH Route 16A. File: 2020-1267. Application to create a residential exclusive-use area around an existing owner-occupied residence on the Swiss Chalet property. Property identified as Tax Map 1RT16A, Lot 227-L00.

No new information had been received for this project and a motion to continue to the January 19, 2021 meeting was made by Kevin Bennett; seconded by Kevin McEnaney. Vote: All in favor. Kevin Bennett spoke about the high intensity light on the pole beside Route 16A which was extremely bright and felt someone should look into it. Gus Vincent said he had brought the issue to the selectmen’s attention so they were aware of it and would follow-up on the situation.

The Chairman said he would take the agenda out-of-order and move approval of the minutes to the end of the meeting so people who were present to speak to items under Other Business would not to have to wait any longer than necessary to be heard.

5. Other Business:

- **Discussion with Julia King on proposed noise ordinance:** Ms. King advised she had missed the deadline to submit her petitioned warrant article for a noise ordinance to the selectmen for inclusion in

the town ballot. She said during her collection of signatures for the article, people had expressed support for a noise ordinance and felt one was needed. She stated the police chief also shared that sentiment. Since the only way the warrant could now go on the ballot at this late stage was if the planning board sponsored it, Ms. King requested the board do just that. The board had previously declined to sponsor the article and had made the suggestion that Ms. King submit it as a petitioned warrant article which would guarantee it would be on the ballot, with or without planning board support. During previous discussions, some members had questioned whether a noise ordinance was even needed and said unofficial input they had received from townsfolk was somewhat contrary to what Ms. King had stated.

David Shedd said he was not opposed to having a noise ordinance but indicated he had a bit of a problem with the procedure in which this had moved along, and also with some of the language in the ordinance which had changed since the board had last met. He said at this point he would not vote to proceed with it at the planning board level, as it was too close to certain deadlines to be on this year's ballot, and too late to have the language reviewed by legal counsel. Kevin Bennett shared he had heard from people who were concerned about the hours the ordinance could be enforced between, especially people who created noise to make a living. He felt the ordinance, as written, was too broad. Julia King's response was that the ordinance recognized there was a difference between necessary noise and unnecessary noise. The Chairman finally brought the discussion to a head by polling the members as to whether they wanted the planning board to sponsor Ms. King's ordinance or not. Kevin McEnaney and Barry Trudeau were in favor and the remaining five members were not. Ms. King expressed her disappointment at the board's decision and reminded members that part of their job was to represent people in the town.

- **Discussion with Burke York of York Land Services and Erin Darrow of Right Angle Engineering:** Burke York presented and provided preliminary plans of two conceptual projects he was working on. He said both projects were very unique but had similar issues in that they met NHDES density requirements for septic system approval, but did not meet the more-stringent MLAR required by Bartlett's soil-based regulations. One project involved property on Route 16A and Washington Avenue owned by Bob Holmes and identified as Tax Map INTPK, Lot WAS-30. The property currently supports a house and a mobile home which are separated by a gully and a good-sized stream and Mr. Holmes would like to subdivide the parcel so each dwelling is on a separate lot. One lot would have frontage on Route 16A and the other on Washington Avenue and both lots would have municipal water. Mr. Burke said the parcels met NHDES standards because they allow a 50% density reduction for using municipal water, or a reduction of 20,000 sf, whichever was greater. David Shedd reminded Mr. York that the town had a policy not to allow any reduction for municipal water. When David Patch asked if the DES figures were based on gpd, Mr. York said they were.

The Chairman asked if there were any questions. David Shedd said there was a possibility that the house on Washington Avenue was in North Conway Water Precinct, while the trailer on Route 16A was served by Lower Bartlett Water Precinct. He asked Mr. York whether he had contacted these precincts. When Mr. York said he had not, Mr. Shedd suggested that may be something he should do as their approval would be needed as well. Mr. York agreed to do that, and advised he would be submitting an application to the planning board along with a waiver request, which he believed the board had the authority to grant. If not, Mr. York said he was prepared to go to the ZBA.

The second project was for a subdivision on Covered Bridge Lane identified as Tax Map 2COVBR, Lot 19-0 and belonging to Brendan Goodspeed and Elizabeth Morin. This lot originally consisted of two small lots which had been merged for taxation purposes prior to zoning, and the owners would now like to return it back to its pre-merged condition. Mr. York said this lot also exceeds MLAR requirements for the state, but not for the town. He said the lot is served by Lower Bartlett Water Precinct and currently supports a residence and a septic system. The applicant also owns another abutting lot to the left which contains their second home. Mr. York said the new lot being proposed had a nice flat area

which would make a perfect building site. He said Erin Darrow of Right Angle Engineering was assisting with this project. Ms. Darrow spoke through Zoom and directed the board's attention to the density calculations she had provided. Ms. Darrow said the original pins were still in place and the intention was to re-use this former monumentation. She said the resulting lot will look like all the others in the neighborhood and suggested the board visit the site and see for themselves.

The Chairman asked if there were any questions. David Patch said he had a comment, not a question, and recalled how back in the early days, the town was full of small substandard lots. Mr. Patch said when owners came to the planning board looking to voluntarily merge these lots because they did not want to pay taxes on multiple lots, they were warned without exception that merging was a one-time deal which could not easily be undone. He reminded Mr. York that Bartlett was very rigid when it came to complying with MLAR requirements, and took their responsibility to protect the groundwater very seriously. Mr. Patch was sympathetic to the owner's situation, but said he just didn't see how the project could meet the zoning requirements. David Shedd noted the figures in the density table on the plan and asked whether Lot 19 even met the state's density requirements. Mr. York explained the figures and confirmed the lot did.

Kevin Bennett expressed concern about the lot being cleared of trees to make room for a house. He felt the erosion this could cause could violate the provisions of the Shoreland Protection Act which were intended to protect the river. Burke York said Ms. Darrow's next step was to develop a stormwater protection plan. Ms. Darrow explained what this plan would entail and described how it required a certain percentage of undisturbed vegetation to be maintained. Ms. Darrow said she anticipated the site would exceed the minimum requirements the state would require. The plan would be administered and inspected by the state, not the selectmen, and strictly enforced. She noted that even if the land was not subdivided, someone could still go in and clear all the trees. The property owner, Brendan Goodspeed, said he and his wife had owned the lot for about six years and it was his intention to be a good neighbor and not do anything which would harm the area.

David Shedd asked Mr. York whether he was looking for an answer from the board tonight. Mr. York said he would move forward and submit an application along with a waiver request to reduce the minimum lot size; however, based on comments he had heard tonight he anticipated that waiver would not be granted which meant he would then need to go to the ZBA. David Patch and David Shedd discussed the possibility with Mr. York of either adding the small lot next door or doing a boundary-line adjustment to add more land to Lot 19. Mr. York said that was something he could look into.

- **Discussion with Charles and Carrie Slife:** Mr. Slife and his daughter were present on Zoom to follow-up on a situation at their home on Granite Ledge Road whereby water was entering their basement. Mr. Slife felt this water was coming from construction work taking place on Granite Ledge Road, which ran behind the Slife property. Mr. Slife said he had owned the house since April 2020, but the prior owner had reported that water had never entered the basement in the twenty years he had lived there, not even during Tropical Storm Irene. The board was in receipt of an email Mr. Slife had written to the selectmen on this issue. Mr. Slife said he had been emailed a copy of a plan for a 3-unit PUD off the end of Granite Ledge Road which had been approved by the board in 2018. Mr. Slife asked whether his understanding that Granite Ledge Road was a private road with a 66-ft. ROW was correct. He also asked whether the ROW could encroach onto private property or was it required to have a 15-ft. setback. David Shedd answered Mr. Slife's question by saying Granite Ledge Road was a 66-ft. wide road owned by Charlie Russo, the developer. He said Mr. Russo did not have a ROW as he owned the entire 66-ft.-wide strip the road was located on. The Chairman further clarified by saying this was a grandfathered road which Mr. Russo owned prior to zoning. He said the 15-ft. setback mentioned by Mr. Slife applied to buildings. Mr. Slife said he understood, but presumed the road could not encroach over the boundary of other people's property. He was told this was correct.

The Chairman shared his knowledge of the area, saying he had plowed Granite Ledge Road for years. He said he believed Mr. Slife when he said water had entered his basement as there were drainage problems in the area, and he had noticed over the past few years that water had been running off the granite surface on North Ledge Road, which was the next road up. Also discussed was whether the old North Ledge Water System pump head could be contributing to the problem. This pump head had been discontinued when Lower Bartlett Water Precinct started supplying water to the area, but it was wondered what was happening to the water that was not being used from it. Mr. Slife asked whether water could just run anywhere, and could people put it onto other people's land. He was told no.

The board continued discussing Mr. Slife's water problem with him, but said since this was not a town road but was privately owned, that the town or planning board really did not have recourse in the matter. Selectmen representative Gus Vincent said he would bring the situation up at the selectmen's meeting and suggested perhaps the road agent and the fire chief could take a look at the situation. The board advised Mr. Slife this was a civil matter and to keep in touch with Charlie Russo and work with him to remedy the situation. Mr. Slife said he would do that, and thanked the board for their time.

4. Review and Approve Minutes: The minutes of the December 15, 2020 minutes were reviewed. A motion to approve the minutes, as written, was made by David Shedd; seconded by Barry Trudeau. Vote: All in favor. Kevin McEnaney noted a reference in the minutes to the purchase of a new video camera and said no action had yet been taken as the equipment was still being reviewed to ensure it was satisfactory for our needs. He will follow-up on it, as will Gus Vincent. The minutes also prompted the Chairman to ask whether the board wanted to add a question to the town ballot asking whether gravel pits should be added to the zoning ordinance as a permitted use through a special exception. Discussion ensued and the board was polled, but due to time constraints and the difficulty of safely holding a public hearing under Covid conditions, the vote was a unanimous no.

There being no other business, a motion to adjourn was made by Kevin Bennett, seconded by Kevin McEnaney. Vote: All in favor. The meeting adjourned at 7:33 pm.

Respectfully submitted,
Barbara Bush
Recording Secretary