

**TOWN OF BARTLETT PLANNING BOARD  
PUBLIC HEARING**

**November 4, 2019**

**Members Present:** Scott Grant; David L. Patch; David Shedd; Kevin Bennett; Kevin McEnaney.  
**Members Absent:** David A. Patch; Barry Trudeau (both with notice).

**Also Present:** Wesley Smith of Thorne Surveys; Andrew Fisher of Ammonoosuc Survey; abutter Gino Funicella; Anne Grant.

Chairman Scott Grant called the meeting to order at 6:00 pm and reviewed the agenda.

- 1. Pledge of Allegiance.** The Chairman invited Mr. Funicella to lead all present in the Pledge of Allegiance.
- 2. Public Hearing: BBSK Properties, LLC, Route 16A.** File: 2019-1259. This is an application for a two-lot subdivision of the 12.82-acre Swiss Chalet property. It is proposed to create a 1.20-acre lot so that an existing residence can be on a separate lot. Tax Map 1RT16A, Lot 227-L00.

Wes Smith presented. He said the owners of the Swiss Chalet property would like to create a new residential lot for their existing residence so that it can be on a separate parcel and removed from their commercial mortgage. Mr. Smith said there were a couple of setback issues related to maintaining the 50-ft. commercial setback around some of the units, and identified these encroachments on the plan. The Chairman noted the board had received a letter from the selectmen tonight, and suggested everyone review it before the application was accepted. The letter requested the board carefully review the minimum land area calculations and density before approving this application. The letter said prior owners had come before the selectmen over the years for various attempts at changing the density and adding units, but they had difficulty meeting the MLAR requirements due to the amount of wetlands and soil types. Apparently the configuration was also changed throughout the years by owners rearranging the style of rooms, number of beds and kitchenettes. Mr. Smith was provided a copy of the letter.

David Shedd said had been aware this situation was coming-up and that he had been giving it some thought. He said it was a difficult issue and similar to what we had just been through with the Limmer property whereby we are dealing with a commercial property which was accessed off Route 16A. Mr. Shedd said he did not necessarily have a problem with this particular application, but said he would like the board to have some consistency when dealing with situations such as these, noting the Glen Oaks property on Route 16A was also undergoing changes. He said he was pleased to see the applicant had maintained enough frontage on Route 16A to maintain their commercial status, but wondered whether they needed to do that since they also had frontage onto Route 302. He noted there were a few grandfathered properties on Route 16A and asked how we should look at them relative to commercial activity as they changed over time,. He reminded Mr. Smith that once the property was subdivided, that the new residential lot could never be a commercial use again. Mr. Smith said he understood and he would make sure the owners were 100% aware of that.

Mr. Smith advised the commercial lot still had enough density for its commercial activity and no changes were taking place on it, as they were not asking for any increase in use and no extra bedrooms were being added, etc. He said the only thing the owners wanted to do was to separate their residence from the commercial use. David L. Patch asked Mr. Smith how close the property was to being built-out relative to septic density. Mr. Smith said they had a lot more septic loading left. He said the new lot had been sized to serve a 4-bedroom house, leaving the commercial lot with approximately 20,000 gallons. Mr. Smith said the original approval took into account a large well radius, but the property was now connected to the Lower Bartlett Water Precinct and the well was abandoned and closed, which allowed the well radius land to be used for density.

David Shedd re-addressed the issue that this new lot caused one of the units to be in the commercial setback and asked how Mr. Smith was planning on dealing with that. Options discussed included relocating the building or seeking a special exception from the ZBA which allows for a 20% reduction to setback requirements. Mr. Smith said he would need a reduction on both the commercial and residential lot. The Chairman asked whether the

driveway which was shown as going through the residential lot to serve the commercial units would be eliminated. Mr. Smith said it would not be eliminated, but would be given an access easement so it could continued to be used. The existing house would no longer be accessed from this driveway as it would be blocked-off at the new property line, but instead would be served by a new residential driveway being proposed off Route 16A. Mr. Smith acknowledged this was all contingent on NHDOT approval. David L. Patch felt the sticking point with the DOT may be the fact the two driveways were relatively close to each other. Kevin Bennett commented that the existing driveway did not meet town standards right now, saying it was supposed to be a certain grade at its entrance onto Route 16A. David L. Patch said that would be something the DOT may address and noted it was an existing driveway which had been in use for a long time. Mr. Bennett agreed it was an existing drive, but said it was now going through a residential property. Mr. Patch noted that the residence will not be using it. Wes Smith said since there was no increased activity or change-of-use involved with this subdivision, he was hoping the driveway could remain as-is and continued to be used as it always had. David Shedd asked Mr. Patch whether he had a sense as to whether the DOT would allow two driveways onto a single property since there was already one further down the road. Mr. Patch said he was not sure what the DOT would say. He felt there was probably adequate room and site distance between the two existing drives, but the proposed one could raise some eyebrows. Mr. Smith agreed there was no certainty what the state would say, and perhaps they may require the drives be in a different location. He said that was why he was here first, looking for input from the board before submitting state applications.

The Chairman asked if the board had any other questions. David Shedd said he wanted to address the selectmen's concerns and asked how many bedrooms we were looking at. He noted the plan indicated 103 would be allowed under Bartlett regulations. Mr. Smith said he did not know the exact count as he would have to look at all the approvals. David L. Patch suggested when Mr. Smith comes back-in that he has the exact number of bedrooms that are there now and how much excess capacity was left. Mr. Smith said he had that number on another plan, which he did not have with him tonight. He said while he was not 100% sure, from memory, he believed out of the 20,000 gallons, they were currently using approximately 8,500 gallons based on state standards. Based on town standards the figure was approximately 15,000 gallons of use available, which resulted in approximately 7,000 gallons being left over. Using a conservative 8,000 gallon figure, Mr. Smith unofficially calculated this as being approximately 53 allowed-bedrooms based on 150 gpd/bedroom. He said several of the units only contained one bedroom and he did not see how the number of bedrooms in all the units combined totaled 53, but he would get an exact number. Mr. Smith said the residential lot contained four bedrooms. David Shedd commented on that number, saying the density calculations on the plan indicated the state would allow thirteen bedrooms, whereas Bartlett would allow four. Mr. Smith said that was based on what he interpreted the town's MLAR calculations to be. Mr. Shedd said Bartlett only took a 25% reduction of what the state allowed. Mr. Smith said that was not the case when the residential calculations were looked at correctly. He noted the MLAR for a 3-bedroom home as shown in the zoning ordinance was 39,000 sf, with a sewage loading factor of 1.3. He said that was why the residential lot was sized at 52,000± sf, for four bedrooms. He said he would love to simply use 75% of the 13 bedrooms allowed by the state, as that would result in the lot being smaller and the boundary line could be located just outside the driveway. He said this would be perfect as it eliminated any driveway issues and there would be no residential use whatsoever on the commercial lot. Mr. Smith felt our zoning was contradictory and he would appreciate a clear interpretation from the board.

Kevin Bennett asked about parking, and wondered whether the parking lot needed to comply with the 50-ft. commercial setback. He asked if there was anything in the zoning ordinance which dealt with that. David Shedd said that was a good question, and noted if a new commercial property was being created that the 50-ft. setback would certainly apply, as well as the greenspace setback. He referred to Mr. Smith's previous comment about possibly reducing the size of the residential lot, and noted the lot could perhaps be decreased widthwise towards Rt 16A, instead of lengthwise, which could help with required setbacks. Mr. Smith said that was why he was here, seeking input before the applicant expended a lot of expense going to the state, or even the ZBA. He said if insurmountable problems were identified, that it may not be practical to go ahead with the subdivision. There was a short discussion on the feasibility of saving the building which encroached into the setback or even reducing or relocating some of the parking.

At this point, the Chairman called for a motion to accept the application. Motion to accept was made by David Shedd; seconded by David L. Patch. Vote: All in favor. He then opened the public comment portion of the hearing. Abutter Gino Funicella spoke. He was apparently under the impression this application involved the construction of a new residence and wanted to hear details. Mr. Smith informed him the residence was already existing and nothing was changing except for the lot lines. Mr. Funicella was satisfied and had no further questions. There were no further questions from the audience and the public comment period was closed.

A motion to continue the application to the November 19 work session was made by Kevin McEnaney; seconded by David Shedd. Vote: All in favor.

**3. Continuation/Final Approval: RSM Bartlett Properties, LLC, (Richard Girardin), 590 US Route 302.** File: 2018-1251. This is an application for a 14-unit subdivision (7 duplexes) on a 13-acre parcel identified as Tax Map 3RT302, Lot 53R00.

This application is still waiting for state subdivision and septic approvals. Additionally, the road design is being revised to relocate the catchbasins out of the road right-of-way. A letter had been received from the DES which requested the applicant provide additional information before a final determination on their Alteration of Terrain application was made. A letter had also been received from the Fire Chief offering his input on fire safety issues. He was provided a copy of the plans for review. A motion was made by Kevin McEnaney; seconded by Kevin Bennett to continue the application to the December 2<sup>nd</sup> public hearing. Vote: All in favor.

**4. Continuation/Final Approval: River Run Co., Inc., Route 302/Haystack Loop.** File: 2018-1252. This is an application for a 3-lot subdivision of a 10.29-acre parcel of land. Tax Map 3ATTDV, Lot UND-D00.

State subdivision approval had been received for this project. A motion to approve the application was made by David Shedd; seconded by David L. Patch. Vote: All in favor. A mylar was provided for recording, which the Chairman signed.

**5. Informal discussion with Andrew Fisher of Ammonoosuc Survey:** Mr. Fisher thanked the board for letting him be on the agenda tonight. He said he was working on a subdivision for an applicant on Cobb Farm whose approximate 38-acre property had been divided by changes to the flow of the Saco River, resulting in the house being cut-off from the rest of the property. Mr. Fisher said they would now like to legally separate the two portions of the property and his question was how much of the river did the board want to see surveyed. Mr. Fisher provided an old 2005 boundary-line adjustment of the area to better explain what was happening. After a short discussion, the board decided it was not necessary to survey the river, since its course changed so rapidly and the survey may not even be completed before conditions changed again. Referencing the boundary to the customary survey term of “to the thread of the river” seemed an appropriate way to describe it. Mr. Fisher thanked the board for this information.

**6. Review and Approve Minutes:** The minutes of the October 7<sup>th</sup> meeting were reviewed. A motion to approve the minutes, as written, was made by Kevin McEnaney; seconded by Kevin Bennett. Vote: All in favor.

**7. Mail and Other Business:**

- Mail listed on the agenda was reviewed, including a courtesy copy of a NHDES wetlands permit to place approximately 99 sf of fill material and the installation of a culvert in forested and emergent wetlands for the construction of a small pond and shared driveway at Stillings Meadows on Cobb Farm Road. The Selectmen had also provided a letter to the board regarding this permit in response to concerns offered by several abutters which the Chairman read into the record. The selectmen suggested the planning board and conservation commission should perhaps conduct a joint site visit to review the situation. Kevin McEnaney also read a letter from Angela Huertas into the record. Ms. Huertas' letter expressed concerns about this application and that it was an after-the-fact submittal, something the application itself also documented. It was noted the application had been prepared and submitted by

wetland scientist Greg Howard and several board members spoke highly of Mr. Howard and expressed confidence in his work. It was decided if the conservation commission was going to conduct a site visit, that the planning board would participate.

- The board discussed the Municipal Technical Assistance Grant which had recently been presented by Victoria Laracy of the Mt. Washington Valley Housing Coalition. The board indicated while they appreciated what the coalition was trying to do, they were not in favor of participating at this time. Some of the discussion comments included questioning the wisdom of spending money to learn something we already knew in regards to the zoning ordinance requirements; that the zoning was purposely written the way it was for a reason; that density changes would likely be the foremost suggestion made by reviewers and that was not an option; people like the character of the town just as it is; and that the review Jackson had participated in merely reworded the zoning they already had, etc. Kevin McEnaney reiterated his position that it would not hurt to have an outside agency review our regulations. David Shedd acknowledged both Mr. McEnaney and Barry Trudeau were in favor of the review and said there was no reason the board or individual members could not review the zoning ordinance and offer suggestions themselves. David L. Patch expressed a willingness to review the zoning as a board and said we could continue to bring the subject up, but felt participation by local businesses as to what they wanted to see happen may also be beneficial.
- The Chairman advised it was time to be thinking of and talking about any zoning amendments for next year's town meeting and suggested gravel pits may be one item to consider.

There being no other business, a motion to adjourn was made by Kevin McEnaney; seconded by David L. Patch. Vote: All in favor. The meeting adjourned at 7:26 pm.

Respectfully submitted,  
Barbara Bush  
Recording Secretary