

Town of Bartlett Office of Selectmen

Meeting Minutes: September 11, 2017

Attendance: Chairman Gene Chandler, David Patch, Jonathan Hebert

Visitors: Barry Trudeau, David & Colleen Kilfoil, Burton & Beverly Fineberg, Diane Southwick, Penny Quinlan, Annette Libby, Kerry Guptill, Kevin McEnaney, Jennifer and Tony Simone, John Smallcomb, John Magazzu, Norman Head (Visitors left after the discussion relating to the club at Christmas Mountain was discussed).

Reporters: None

Meeting opened at 03:35 PM.

Chairman Chandler made a motion at 03:35 PM to enter nonpublic session with Police Chief Christopher Keaton for a personnel issue per NH RSA 91-A:3 II (c). Selectman Hebert seconded the motion. Motion carried unanimously. Selectman Hebert made a motion at 03:45 PM to end the nonpublic session. Selectman Patch seconded the motion. Roll call vote was unanimous.

Attorney Randy Cooper representing, John Magazzu of Club at Christmas Mountain, (2RT016-182-REC) met with the Selectmen to seek help in reference to the use of the club that is in a residential area and not to be open to the general public to be used to play pickleball. Cooper handed out information that was a discussion relating to the Club at Christmas Mountain and a copy of the MWVPB membership agreement. Cooper stated that in 1985 the Town approved a subdivision plan which identified the parcel as a recreation lot. In 1986 a building permit was issued by the Town with a restriction relating to the septic approval and that the facility was not to be open to the general public. The Amenities building was foreclosed on and sold to a California company and they began advertising its public use. The Bartlett Selectmen enforced the issue that a stand-alone health club; no less a restaurant and bar were not a permitted use in the Residential A district. A variance was requested to allow the Christmas Mountain Amenities Building to open its health club and restaurant to be used by the public. This was denied in 2006. In considering the Motion for Rehearing, the ZBA considered the impact the proposed use would have on the surrounding area, namely the increase in traffic, and upheld the finding that the variance would be inconsistent with the spirit of the ordinance. The denial was upheld by both the Superior Court and Supreme Court. A change to the zoning ordinance was proposed to permit Sports/Health Clubs in the Town Residential District A. This amendment was rejected by the voters of the Town of Bartlett. John Magazzu now owns the building and has been operating it as a health and sports club. He does not have a restaurant or lounge in the facility. He has repaired a cracked tennis court, has had the courts painted and striped as well as invested in 4 nets and paddles. He created a new pickleball membership category. The courts are not made available to the general public, only to those who have taken out a pickleball membership. Selectman Hebert inquired that since he lives on 16A could he be a member. Cooper stated that for a \$100.00 initiation fee that he could be a member and entitled to ownership of a floating week of timeshare. If he wanted to book a week at the timeshare then he would pay \$902.00 for a top unit or \$852.00 for a lower one. Cooper stated a permanent solution would be either a variance or a zoning change but what do they do for now. Magazzu mentioned the use of a facility for a membership pickleball is supported by the Bartlett Athletic and Recreation Association. A. Libby, Recreation Director, stated that she is looking for activities that adults could do and supports the pickleball club. Chairman Chandler stated that they have nothing against pickleball they are just trying to enforce the zoning ordinance. Cooper inquired if he could submit a change of use now and then go the variance route. He would like to have the support of the Selectmen. Chairman Chandler stated that right now they have nothing to act on. Selectman Patch commented that if the application isn't denied then they wouldn't need a variance.

Cooper was starting to make out a commercial change of use application and Lynn Jones, AA, reminded him that he needs to use a residential change of use application. Cooper isn't sure that they meet the variance requirements that it would have to be materially different in nature and degree from the 2006 variance request given the nature of the earlier application and the ZBA's reasons for denying the application which basically was a concern with the impact of traffic on the neighborhood. Chairman Chandler stated that they can't commit without having anything to review. Cooper mentioned that they could write up a new zoning ordinance amendment that would permit a sports/health club located on a lot of four or more acres in the TRDA. A sports/health club will be a facility that includes health and recreation facilities such as racquet courts, swimming pool, workout and weight training rooms, and equipment, meeting rooms, and other facilities as normally associated with the same, not including a restaurant or lounge and only open to monthly membership and not the general public. Chairman Chandler suggested that they wait to see. Magazzu commented that there would only be between ten to fifteen cars there at once. Cooper replied that they are trying to work out a permanent solution to the problem. Cooper suggested that as a temporary solution that the pickleball club becomes an owner of a time share week at Christmas Mountain or pickleball club members play as guests of current members who are timeshare owners. Chairman Chandler again replied that they need to look at the application. Chairman Chandler thanked everyone for coming and that they have nothing against pickleball but it is any use of this building other than its approved use that is the issue. Cooper turned in the residential change of use application which will be reviewed by town counsel for a legal opinion.

Joshua Frye met with the Selectmen as he is interested in purchasing a house located at 252 Town Hall Road (1TOWNH-124-R00) that is owned by the Town of Bartlett. Chairman Chandler informed him that it has to go to public auction. Chairman Chandler stated that he would be in favor of putting it on the auction list. Selectman Hebert inquired if we have had this property for 10 years. Chairman Chandler replied that we had. The Selectmen all agreed to add it to the public auction list as tentatively the auction is scheduled for October 14 at the Glen Fire Station. It will be advertised.

John and Susan Tymon met with the Selectmen in reference to a driveway permit for Squirrel Lane (5COBFM-10-A00) that was previously denied. The Selectmen reviewed the application and will now give it to the road agent to inspect.

Lynn Jones, AA, updated the Selectmen on the voter info not being redacted properly issue. There was a recent story on the news about the State having information on the voter checklists (requested by the Trump Commission on Voter Fraud) that should have been redacted due to the person (voter) being under a protective order. Apparently, if you have a protective order and your address is private, you can still vote but your name has to be redacted from any public list. Town Clerk Cheryl Nealley has reported to us that the Town of Bartlett was NOT one of the 42 towns that did not redact the information properly on voter checklists.

Chairman Chandler had a prior commitment and excused himself from the meeting at 04:50 PM.

Selectman Hebert made a motion at 05:00 PM to do a site visit at Lucy Lumber/Hardware (1RT016-105-L10) on Monday, September 18th at 03:30 PM. Selectman Patch seconded the motion. Motion carried unanimously.

The Selectmen signed checks, reviewed building permits and correspondence throughout the meeting.

There being no further business the meeting was adjourned at 05:15 PM.

Respectfully submitted,
Brenda Medeiros, Sec.