

Town of Bartlett Office of Selectmen

Meeting Minutes: June 30, 2014

Attendance: Chairman Gene Chandler, Douglas Garland, David Patch  
Scott Grant, Jay Carr

Reporters: None

Meeting opened at 03:30 PM.

Paul Pagliarulo (5VILLG-MAI-20) met with the Selectmen in reference to the letter he had received concerning the change of use for the property at 1226 US Rt. 302 and to provide proof of the property not being in the floodplain. Pagliarulo stated that for the record that his focus was on the nursery and per RSA 21:34A he can do this. His construction company has been putting in grow fields as he is planting 6000 trees. His construction company will be moved to Route 16 across from Hartmann Railroad Museum and will be gone from 1226 US Rt. 302 within a week. He is not doing construction on site and what the Selectmen are seeing is a compost pile. He will yearly turn this over and add the necessary ingredients. Secondly the storage trailer that he put on the property he admitted was not compliant and he will be moving it. He couldn't get it moved this week because of the holiday but hopefully by next week it will be gone. Pagliarulo stated that this is agriculture use and this can be done whether it is in the residential or commercial district. There has been a farm stand there for years. Selectmen are not saying it is not permitted but saying he needs to get a change of use permit as he is not doing exactly the same thing as the Cook's did. Selectman Garland stated that they don't produce anything on the property and it hasn't been farmed for years. Selectman Garland explained that he is disturbing the site that is in the floodplain. Selectman Patch commented that there is a large pile of dirt/loam on the property and that he needed to obtain a permit for activity in the floodplain before anything was touched. Pagliarulo stated that he is not in the floodplain and he has a map search page that states that 1226 Route 302 is in Zone "D" which is not in the floodplain. The Selectmen looked at paperwork and saw no map only a panel that stated it was Zone "D" but the panel shown states the address as 1226 Crawford Notch Rd. Chairman Chandler stated that he can't work in the floodplain until he gets a permit to do so and he should be fined daily. Selectman Garland pointed out that he hadn't shown anything as he doesn't consider that panel a map. Pagliarulo stated that the property was a short sale and that the whole parcel used to be the Cook Farm and they can't take away the use of the land. He may still have a few small plow trucks on the property. Pagliarulo stated that a FEMA person was suppose to come with him today but couldn't make it. Chairman Chandler inquired who the FEMA person was. Pagliarulo couldn't remember his name. Pagliarulo made a remark about the Town of Bartlett's property that was originally the Morrell property and what they are doing there. Selectmen Garland stated that they are having Headwater Hydrology do a plan showing the elevations and other information to determine how much of this property is in the floodplain just as any other property owner would have to do. Selectman Garland mentioned again that he needs an activity in the floodplain permit to prove that he is not disturbing the floodplain area as you can't do things that might affect the neighbor's property or the flow of the river. Selectman Garland commented

that he is doing activity after he was asked not to; otherwise the dirt couldn’t have gone from flat to a pile. Pagliarulo again commented that he isn’t in the floodplain. Selectman Garland stated that what he has brought in to be looked at doesn’t show what we need. Pagliarulo stated that he feels the Selectmen are getting confused with the FRM maps and the FIRM maps. Selectman Garland commented that there is no way that the whole property would be in zone “D”. The location of the house may be but not down by the river as the land slopes down. Selectman Garland again commented that he may be able to do what he wants to do but he needs to do the permit for activity in the floodplain and show a floodplain map. Pagliarulo stated that the panel is the map as it says map search at the top of the page. Chairman Chandler commented can we agree to disagree that what he is showing is not a map. Chairman Chandler showed him a copy and asked Pagliarulo if he was going to make out the permit for activity in the floodplain. Pagliarulo asked the Selectmen if they wanted to call FEMA right now to ask questions. Selectman Garland stated that no one at FEMA could answer the question with such a broad view, that he needs to obtain the services of an engineer and have the elevations shot. We try to enforce the ordinances equally for everyone and it clearly states that development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials. Pagliarulo stated that is activity in the floodplain and he is not in the floodplain. Selectman Garland again commented that what he provided was not a map and he dealt with FEMA a lot during tropical storm Irene and the town couldn’t touch or repair anything until we got permits. Selectman Patch stated the section where the house is located may not be in the floodplain and need insurance but that doesn’t mean the property isn’t. Pagliarulo again stated that the Selectmen are confusing FRM and FIRM. Selectman Garland stated that he needs an engineer to shoot the elevations on the property as we aren’t living in Utah and the land is not all flat, it rolls up and down. Scott Grant inquired if it would be possible to obtain a before and after shot of the property. He also commented that when you put stuff in the floodplain then you have disturbed it. Grant also mentioned that Tom Burack, Commissioner of NH Department of Environmental Services (DES) will be in the area this week. Pagliarulo stated that he isn’t doing anything and that he spoke to a representative from the agriculture department and what he is doing is fine. Chairman Chandler commented that the Agriculture department has nothing to do with this issue, and besides, to be considered agriculture that 35% of the product has to be grown on the site. Pagliarulo stated that they grow produce there and Mrs. Cook makes stuffed animals. Chairman Chandler again asked if he was going to make out the permit for activity in the floodplain. (No answer) Selectman Garland informed Pagliarulo that we will have our engineer look at this property. Pagliarulo stated that he would contact our engineer as he has the right to do as he is a tax payer. Selectman Garland stated no that we would contact the engineer and then get back to him. Pagliarulo stated that is no different then if he wanted to contact the town’s attorney and he has a right to do that. Chairman Chandler replied that no one mentioned the town’s attorney but that would be attorney/client privilege and he isn’t entitled to it. Pagliarulo stated that if they are working on his

property then he can. Once again Chairman Chandler inquired if he was going to fill out the permit for activity in the floodplain. Pagliarulo stated that he isn’t doing development activity. Selectman Garland stated that we aren’t saying he can’t do what he wants to do we are asking that he define the floodplain. He hasn’t provided any delineations or elevations. Chairman Chandler stated that no one is exempt from activity in the floodplain. Selectman Garland commented that we are getting no where so we are going to start taking action as the rest of the town has to abide by the regulations and so does he. Pagliarulo stated you can call FEMA on my phone if you would like. Selectman Garland replied no we need an engineer to be on site and look at the property. Selectman Garland stated we will call on our own accord. Chairman Chandler said thank you and we will be in touch. Scott Grant commented that the Selectmen are being kind to you. Pagliarulo stated that he will be filing a permit for a low impact 10’ irrigation pond and he will comply with that. The Selectmen suggested that he do no more developing until the engineer has looked at the property. Pagliarulo stated that he doesn’t have a problem with the engineer coming to his property as long as he is notified and can be there when he does it. Selectman Garland inquired if Pagliarulo has been recording this meeting. Pagliarulo stated that he had been. (Pagliarulo, Grant, and Carr left the meeting)

Laura Slitt (5VILLG-MAI-160) has a couple that is moving up here and looking for a place to rent for a year or year and a half and she would like to let them stay in her trailer. They would be helping her finish projects on her property. The use of the trailer would be temporary as eventually she wants to convert the trailer to a farm stand which they will help her do. Chairman Chandler stated that he doesn’t believe that they can. Slitt inquired why as she has 2.17 acres of land and the house she built had a septic design for three bedrooms and she only has one. Also the trailer has its own septic system. Selectman Garland stated that the problem is that her septic for the house was hinged on the removal of the trailer. The septic plan clearly states that the trailer is to be removed and the old system be filled with sand or whatever to render it non-usable. Selectman Patch inquired if she had obtained the final approval for operation for her house. Slitt isn’t sure and will check her files but she is living in the house. Chairman Chandler explained that she needs to get a Permit to Occupy from the town and to do that she needs an approval for operation from the State. Slitt inquired as to when she would have gotten the approval for operation. Selectman Garland explained that before the septic system is buried they look at it. Selectman Patch also explained that they check the elevation and the “d” box. Slitt will check her folder at home to see what paper work she has on file.

Chairman Chandler informed the other Board members that during the heavy rain on June 26<sup>th</sup> that there were various town roads that were damaged. The areas damaged were Cow Hill Road by Attitash Market Place as the water diverted around the dumpster and ran to the road and undercut an area, Saco Ridge off Spring Hill Loop washed out and is presently closed, Linderhof Strasse and Linderhof Strasse East has culvert and ditch work that needs to be worked on. Selectman Garland believes we need to come up with a good

guide line as to what size culverts need to be used. The Selectmen will discuss this further and perhaps get the town engineer involved.

Selectmen discussed the issues involving Paul Pagliarulo’s activities on the property identified as 1226 US Route 302 (Tax Map 5VILLG-MAI-20). It appears Pagliarulo does not understand or agree with the town’s regulations and does not feel that they are applicable to his property. Selectmen disagree and feel he is in violation as follows:

- 1.) Article IV Sec. G of the Bartlett Zoning Ordinance, which sets forth regulations known as the “Town of Bartlett Floodplain Development Ordinance” because he is conducting activity in the floodway and /or floodplain without first obtaining a permit;
- 2.) Article XVII Sec. B of the Bartlett Zoning Ordinance, which sets forth situations which require obtaining a permit because he has placed a storage trailer on the property without first obtaining a permit;
- 3.) Article XVII Sec. B of the Bartlett Zoning Ordinance, which sets forth situations which require obtaining a permit. He is conducting activity on the property without first obtaining a Change of Use permit.

These activities are not permitted and are violations of NH RSA 676:17 and 676:17-a. Therefore the Selectmen agreed to issue a Notice of Violation and Cease and Desist Order to Paul Pagliarulo on these three violations. Motion was made by Patch, seconded by Garland to issue the Orders. Motion carried unanimously. Selectmen directed AA Jones to contact legal counsel to get these in the works.

The Selectmen worked on the Bartlett Fire Department’s hourly breakdown pay discussing the probationary rate, base rate, and certification rates. They agreed on a plan and Brenda will type it up and present a draft for review next week.

The Selectmen had received a request from the North Ledge Well Association to use the meeting hall on Saturday, August 30, 2014 from 9-11 AM for its annual meeting. The Selectmen were fine with this.

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

Meeting adjourned at 05:45 PM.

Respectfully submitted,

Brenda Medeiros, Sec.