

Town of Bartlett Office of Selectmen

Meeting Minutes: March 3, 2014

Attendance: Chairman Gene Chandler, Douglas Garland, David Patch

Reporters: None

Meeting opened at 03:30 PM.

Chairman Chandler made a motion at 03:30 PM to enter nonpublic session to discuss legal issues per RSA 91-A II (a). Selectman Patch seconded the motion. Motion carried unanimously. Selectman Garland made a motion at 04:00 PM to end the nonpublic session and to seal the minutes. Chairman Chandler seconded the motion. Motion carried unanimously.

Jessica and Mark Spaulding (5VILLG-MAI-660) met with the Selectmen and stated that they were on a fact finding mission. M. Spaulding inquired as to what the applicants next steps are concerning the special exception to operate a snowmobile rental business from the J. Murphy Estate (5VILLG-MAI-710 and 5 VILLG-CHU-010A). Chairman Chandler explained that if no one appeals the Zoning Board of Adjustment (ZBA) decision within the next 30 days that the next step would be to apply for a change of use permit and to comply with the applicable sections of the zoning ordinance. (A copy of the ZBA decision was given to the Spauldings). M. Spaulding inquired as to who enforces the air and water control. Chairman Chandler stated that we don't really have anything to do with that. M. Spaulding then asked who deals with the waste disposal. Chairman Chandler replied that the Selectmen do when the application is submitted. J. Spaulding is also concerned about possible spillage if an above ground gas tank is placed on the property for them to use to put fuel in the snowmobiles. Lynn Jones, AA, explained that the State regulates the gasoline storage issues. J. Spaulding was also upset that when they attended the (ZBA) hearing that they had nine different concerns and they were told that seven of those concerns were not a concern of the ZBA. They were also asked to sit down and it was frustrating as it appeared to them that a decision had already been reached before the meeting was held and that the meeting was just a formality. M. Spaulding inquired as to who controls the outdoor lighting. Chairman Chandler stated that the Selectmen will look at that when the permit is submitted as they will have to conform to the Bartlett zoning ordinance. M. Spaulding also inquired about the amount of frontage for the property. Chairman Chandler explained that they are a grandfathered commercial lot. Selectman Garland inquired if the letter that the Lawrencian Ski Club sent to the ZBA was mentioned or read at the meeting. M. Spaulding stated that the Lawrencian's letter was not recognized at the meeting. L. Jones, AA, mentioned that the ZBA board usually meets at seven and she believes that packets are given to each member so perhaps the letter was in the packet which the Spaulding's are entitled to ask for a copy of the packet. M. Spaulding was also concerned about the amount of time from his receiving the abutter notice until the actual meeting. They received the notice on the Wednesday before the Monday meeting. Chairman Chandler commented that it appears that some of the notices seem to have been sent out at a different time but by State law they only have to give a 5 day notice. M. Spaulding replied that he understands that but if they knew it sooner then

why weren't people notified sooner. The Selectmen didn't have an answer for them, other than that the notice followed the State Law requirement.

Selectman Garland commented that he had heard that the Spaulding's were treated rudely and were slammed down and he didn't understand why as the public meetings are held so that people can ask questions. M. Spaulding inquired if the applicant would need to provide a sketch of the green area. Selectman Garland stated that because they are grandfathered that they don't need to but they will have to respect the set backs of 35 feet on each side, front and rear. They will also have to keep any green space that is there now has to stay there. M. Spaulding mentioned that the lot narrows in the back portion and is only about 130 feet and if you take out 70' for the side set backs that only leaves them 60 feet for all those snowmobiles. M. Spaulding inquired as to who enforces the set back requirements. Selectman Garland stated the Selectmen do. J. Spaulding inquired if the 35 feet set back applies to the James Pettingill (5VILLG-MAI-520) garage property as well. Chairman Chandler stated that he is grandfathered for his vehicles but any vehicles and snowmobiles associated with the Northern Extremes Snow machine business has to meet the setbacks. J. Spaulding inquired as to who determines driveways. Chairman Chandler informed her that the State does that. J. Spaulding is concerned about the impact that this is going to have on Bartlett Village and the property values. Selectman Garland commented that he isn't sure everyone realizes what a special thing they have in the village. Chairman Chandler suggested that if they are unhappy with the ZBA decision that they may want to obtain a lawyer and appeal the decision and ask for a rehearing within the 30 day time limit, however, this will cost them some money. Chairman Chandler also mentioned that they could hire an appraiser and get their opinion concerning the possibility of diminishing the property values in the neighborhood which could be presented at a rehearing. J. Spaulding also inquired about the type of fencing they were installing as she would hate to see a stockade fence. She would much prefer them planting arborvitaes. Selectman Garland stated that they don't have to build a fence as it isn't included in the notice of decision from the ZBA. J. Spaulding stated that they were told at the meeting that they had to have a fence. Selectman Garland replied that if that is the case and it isn't included in the notice of decision that that may be another avenue for them for the rehearing. J. Spaulding is also concerned about the moonlight tours that are being advertised. Chairman Chandler stated that per the notice of decision that the machines shall not be operated on that property before 9 am or after 5 pm. Selectman Garland commented that the State trail is also open from 9am to 5pm, however, Bear Notch itself is open 24 hours. J. Spaulding inquired about making changes to the zoning ordinance to protect the village. Chairman Chandler reminded her that most of the lots in Bartlett village are small lots and they are already limited on what they can do. J. Spaulding commented that she is opposed to it becoming a strip. Selectman Garland stated that they could form a village district and have a different set of rules but it would have to be voted on by the whole town. M. Spaulding inquired as to who controls signage. Chairman Chandler stated that that is the Selectmen. Chairman Chandler also commented that he believes that they will have to obtain a driveway permit from the State for the change of use for the property. L. Jones informed them that if they

go to the website on their computer and look under the Office of Energy & Planning that it will give them the ZBA procedures.

Police Chief Connifey met with the Selectmen to inform them that there was a single vehicle accident into the utility pole by Thorne Pond on Route 302 on Friday, Feb. 28, 2014 at 06:30 PM. This caused Route 302 to be shut down for approximately four hours while the NH Electric Co-op personnel worked to replace the pole. There were no injuries. This accident is still under investigation and he will be placing a blurb in the local paper concerning the accident.

Police Chief Connifey requested to enter nonpublic session to discuss a personnel issue. Selectman Patch made the motion at 04:55 PM to enter the nonpublic session per NH RSA 91-A II (a). Chairman Chandler seconded the motion. Motion carried unanimously. Selectman Garland made a motion at 05:10 PM to end the nonpublic session and to seal the minutes. Selectman Patch seconded the motion. Motion carried unanimously.

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.