

**Town of Bartlett
Zoning Board of Adjustment
Public Hearing
June 17, 2019**

Members present: Chairman Richard Plusch; Peter Gagne; Anita Burroughs; Norman Head; Julia King.
Members absent: None.

Also present: Richard Goff, Jr.; Richard Goff, III; Joelle Goff; Mike & Barbara Cherim; Stefan Karnopp; Atty. Randall Cooper; Josh McAllister; Dan Flores; Scott Grant; George & Marie Osgood; Michael Edwards; Timothy Edwards; Ryan Classen; Marshall Allan; George Howard.

Chairman Plusch called the meeting to order at 7:00 pm. He announced the case numbers, name of applicants, and purpose of these applications and advised the meeting notice for these applications was published in the Conway Daily Sun on June 7th and 15th, 2019 and publicly noticed at the Bartlett, Glen, and Intervale post offices, as well as the Bartlett town hall.

1. Public Hearing - File 2019-02:

Applicant: Glen Ellis Family Campground
Location: Glen Ellis Campground Road
Bartlett Tax Map: Tax Map 2RT302-IL, Lot 37
Purpose: A Special Exception to allow an existing grandfathered campground to add forty additional campsites and a splash pool.
Zoning Ordinance Section: Article XVIII.D(1)(h)

The Chairman advised he was an abutter to this project. He offered to chair the meeting but not vote, and asked if anyone had any objections to this. There were none. Atty. Randall Cooper said he was presenting on behalf of the Glen Ellis Family Campground. He introduced the owners Richard Goff, Jr. and his son, Richard III, as well as their engineers, Josh McAllister of HEB Engineers who were responsible for the site engineering and permit processing, and Dan Flores of SFC Engineering who were responsible for determining whether the site offered adequate soils to provide septic disposal capacity for the proposed expansion. Mr. McAllister provided a color-rendered plan of the campground which he placed on an easel in front of the board. Atty. Cooper noted the board had received copies of the application package which included reports from the two engineering firms summarizing their findings. Atty. Cooper said this was a grandfathered campground which had been in operation since 1980. It was approximately 86-acres in size and currently supported 240 campsites and associated amenities. Atty. Cooper said under Bartlett zoning, an expansion of an existing use was permitted so long as that expansion was occurring on the same lot. The expansion now being proposed was to add thirty-one pull-through campsites and 10 back-in sites, while eliminating three of the existing sites. This would result in approximately 3.98 acres of the 86-acre property being used as campsites, and approximately 48-acres being dedicated to open space and recreational areas. Also being added was a 140x315 splash pool which consisted of shallow water running over a concrete pad. Atty. Cooper said approximately ten years ago, several acres of land had been added to the campground from the abutting George Howard property, and because the selectmen felt this affected the campground property's grandfathered status, they denied them a building permit which is the reason they are here tonight. Peter Gagne asked whether the 86 acres included the Howard land and whether that land was commercial property. Atty. Cooper answered yes to both questions. Atty. Cooper said they will also be required to go through site plan review. When Julia King asked why, Atty. Cooper said because this was a campground in the commercial zone which was expanding, and the total area of all the buildings exceeded five-thousand square feet.

Atty. Cooper provided a memo which listed all the criteria needing to be met before a special exception could be granted. He gave a lengthy account of how this was an appropriate expansion of the campground and how it also met the special exception criteria. He went through each item on the checklist one-by-one, including the provisions of Article IV which were mostly non-applicable. After he had finished, he asked whether the board had any questions. Anita Burroughs asked whether any of the abutters were visible from the campground and how far away they were. Norman Head asked where the new campsites were going to be located. On his map,

Josh McAllister pointed-out the boundary lines around the campground, where the closest abutters were located, and where the new sites were going to be. Peter Gagne asked if there were still group campsites, and was told there were. The Chairman asked whether these new sites were dependent on septic. Atty. Cooper said campground septic systems were regulated by the state under the auspices of the New Hampshire Department of Environmental Service (NHDES), who would need to approve the design. He said the New Hampshire Department of Transportation (NHDOT) would also likely be involved in the event a new driveway permit was required or the old one needed to be revised due to the increased traffic. Atty. Cooper said HEB believed the driveway permitting should present no problem, even if it was ultimately decided that a stop sign was required at the junction of the campground road and Route 302. Julia King asked what the septic design would look like. Atty. Cooper asked septic designer Dan Flores to answer this question. Mr. Flores said there was plenty of room available on the property for septic and the new systems would be of the same design and type as those already serving the 240 already-existing sites.

The Chairman asked if the board had any further questions. With none, he opened the meeting to public comment. Abutter George Howard spoke in strong support of this application. He said he had been an abutter to the campground since its inception and the owners had done an excellent job of managing their property, they had been excellent neighbors, and he had no concerns whatsoever. The Chairman said he had heard the campground was for sale and asked whether that was correct. Mr. Goff confirmed this. Abutter Michael Edwards said his property was across the river and his family had owned it since 1780. He described the campground as not being a great abutter from his perspective. He stated he continually dealt with campers trespassing on his land who were often confrontational when informed they were on private property. He said these people left litter behind, stole his outdoor chairs and firewood, and hit golf balls across the river which landed on his property where his children play. He said forty new campsites could potentially result in somewhere between an extra 40 to 240 people, and he felt this would only compound the problems he was having. Norman Head asked whether Mr. Edwards had contacted the campground owners to report the problems their customers were causing and to see whether a solution could be found. Mr. Edwards said he had attempted to go over a few times but was often met with belligerence and nothing ever changed. Mr. Goff agreed he had spoken to Mr. Edwards but indicated this was the first time he was hearing that there were so many problems. He said his customers were always told where the limits of the campground property were, and were provided maps showing this information. He offered Mr. Edwards his personal cell number and instructed him to call immediately any time he encountered this situation. Mr. Goff gave his assurance that any offending parties would be promptly evicted from the campground. A discussion ensued as to whether more "no trespassing" signs were needed and where they should be placed. It was further suggested the hand-out map be revised to more-clearly define the campground limits and where private property was located, and to add a warning that clearly stated campers were not to trespass on this property.

Marshall Allan said he had experienced similar problems and stated he had been complaining about them for years. He addressed trespassing issues by saying he had obtained a copy of the hand-out map and noted there was only a very small area marked as being private property. He said customers could interpret that as meaning that was the only area they were to avoid, and everywhere else was free to use. Mr. Goff said the map could be adjusted very easily. Mr. Allan also had a complaint about the number of canoeists who floated by on the river and then walked along his property or the railroad track to get back and asked whether anything could be done about that. Peter Gagne, who is the owner of Saco Canoe Rental shook his head no, but quickly added that these were not his canoes as he no longer used that stretch of the river. It was suggested perhaps Fish & Game could help with this situation.

Abutter George Osgood said he owned 30 abutting acres to the north, as well as a 7-acre island in the middle of the river. He identified this land on the map. He said when the river is low, campers often walked across his property to get back to the campground after shopping at Grants. He expressed similar complaints as Mr. Edwards and Mr. Allan had done, especially about people stealing firewood off his island. He said when he saw it happening, he asked the people to leave. Mr. Osgood did acknowledge that today's problems are

nothing compared to the problems he experienced in the past when things were much worse, and did say Mr. Goff had been good about things back then. Mr. Goff offered his cell phone number to Mr. Osgood as well. Due to these comments from abutters, Atty. Cooper acknowledged there were obviously legitimate problems, but felt the best way to deal with them was during the site plan review process where formal procedures, agreeable to all parties, could be put into place. He said that would give abutters some recourse if the trespassing continued to be a problem.

The Chairman asked if there were any further questions or comments from the public. With none, he closed the public hearing and asked if the board had any questions. Peter Gagne asked Atty. Cooper whether any further campsites were being proposed. Atty. Cooper said there were not. George Osgood asked about the new owners, and what if they wanted more. He was told if they did, that they would have to go through the proper channels like Mr. Goff had to. The Chairman said if a lot of the fire pits were in use and the prevailing winds were blowing in his direction, that he had to close his windows because of the smell of smoke. He said he wouldn't call it a real problem since it only happened under certain conditions, but he felt it should be addressed somewhere along the line. Mr. Goff was asked whether he promoted campfires and sold firewood, and he responded that he sold wood but did not promote fires.

The Chairman asked whether there were anymore questions. With none, he reminded people that he would not be voting since he was an abutter, and the board deliberated and voted on the criteria which had to be met before a special exception could be granted, as follows:

1. The site is an appropriate location for the proposed use: Vote taken: 4 yes (unanimous).
2. A preponderance of evidence is found that property values will not be reduced due to incompatible land use by such a use: Vote taken: 4 yes (unanimous).
3. No traffic hazard will be created: Vote taken: 4 yes (unanimous).
4. No nuisance or other hazard is involved: Vote taken: 4 yes (unanimous).
5. Adequate and appropriate facilities will be provided for the proper operation of the proposed use: Vote taken: 4 yes (unanimous).
6. There is adequate area for safe and sanitary sewage disposal according to state regulations: Vote taken: 4 yes (unanimous).
7. Operations in connection with such a use shall not violate the provisions of Article IV of this ordinance: Vote taken: 4 yes (unanimous).

Based on the above vote, the Chairman called for a motion to grant the special exception. Norman Head made a motion to grant a special exception for the expansion of the Glen Ellis Family Campground subject to planning board site plan review and receiving any and all approvals as required by the New Hampshire Department of Environmental Services and the New Hampshire Department of Transportation. The motion was seconded by Julia King. Vote: All in favor (4). The selectmen will be advised of the board's decision.

2. Public Hearing - File 2019-03:

Applicant: Mike Cherim and Stefan Karnopp
Location: Intervale Lane
Bartlett Tax Map: Tax Map 11NTVL, Lot 3A
Purpose: A Variance to add two 6-inch high informational signs to an existing grandfathered off-premise sign.
Zoning Ordinance Section: Article XVI

Mike Cherim presented and said he was here because he would like to add two 6-inch-high strip signs to the top and bottom of his new sign on Intervale Road. He said these signs would read "Outdoor Adventures" and "Wilderness Education" which were the primary offerings of Redline Guiding. Mr. Cherim explained that he had recently opened an office for his guiding business and had applied for a sign permit which the selectmen

approved. He said when he designed the sign he did not realize it exceeded the allocated 15 sf, and only became aware of the discrepancy when he was hanging it on the posts. Mr. Cherim said he respected Bartlett's efforts to keep the town rural in nature and did not want to start off on the wrong foot but wanted to do things right, so he re-applied again for permission to have a slightly-larger sign and this was denied. He said he had a thousand dollars invested in the signs and would like to be able to use them. Mr. Cherim said the selectmen had suggested that he re-arrange the elements of the sign to keep it within the 15 sf, but he said this was a vinyl sign with heat-melded lettering which was not possible to change. He also felt trying to cram all the information onto the one sign would make it hard to read from Route 302. He felt this was a safety issue, particularly with people slowing down as they looked for directions to his office. He said his office was one building down from the main road and not readily visible from Route 302.

Mr. Cherim had provided a photo-shopped rendition showing what the sign would look like with the two attached strips. He said it matched the sign on the other side of the structure, which was used by a hairdressing salon, A Shear Edge, but in reversed colors, i.e., his was black background with white lettering while hers was white background with black lettering. Mr. Cherim said he felt it resulted in a nice-looking sign. Norman Head asked whether Mr. Cherim was going to include a justice of the peace sign. Mr. Cherim said no. Julia King said she had walked around the site and said it appeared the top banner would be covering some of the framework. Mr. Cherim said it would not do that and explained how he was planning to attach it. Anita Burroughs asked why the selectmen had denied the permit and asked whether it was because it was too big. Mr. Cherim advised this was a non-conforming sign because it was not on the same property as the business it was directing people to, but it had been allowed to continue to exist ever since it was set-up a long time ago. The Chairman asked what the allowable square footage of signs was. Julia King said she recalled it as being sixteen square feet for the earth business across the road, and a reduced amount for the shared signs. She said should Mr. Cherim's request be granted, it would make his message area about the same size as the original one. Ms. King said the sign exists because a variance was granted a long time ago to allow it, and we now have to work as closely with the existing ordinance as possible. She said the selectmen can't help someone to become more non-conforming, and she's wasn't sure the ZBA could either. Peter Gagne asked whether Mr. Cherim could put another sign on his actual property. The location of his office was discussed and Julia King said no, he couldn't, that he didn't even have frontage onto Route 302, and added that he was fortunate to have the sign that he did.

Stefan Karnopp introduced himself as being the owner of the property where Mr. Cherim had his business. He said everything Ms. King said was correct. Ms King responded by saying she knew that, as she used to be the sign officer. Mr. Karnopp went on to say that he didn't agree that the ZBA couldn't allow it, since the ZBA was a check-and-balance for the selectmen. He felt this request could be allowed if the ZBA so chose. He recalled that the owner of the Shear Edge sign was granted permission for her non-conforming sign. Ms. King said that didn't mean the board would do it again, a comment Mr. Karnopp agreed with. He went on to say he felt the enhanced Redline Guiding sign would benefit public safety if it was easier to see and prevented customers from jamming on their brakes as they drove by and realized they had just passed the business they were looking for. He asked the board to please consider Mr. Cherim's request. Julia King said she drove by and asked Mr. Cherim whether he thought the lettering was big enough and visible enough for people to see. Mr. Cherim felt they were, especially after people went by the electric coop property and got by a birch tree near the sign which blocked its view. He said the owner of the hairdressing business often complained that people stopped by her salon looking for directions and he would like to help make this stop.

Norman Head noted a letter had been received from the salon owner, Diane Giroux, and read it into the record. Ms. Giroux wrote that there would be no need for this variance if the additional signage had been measured correctly and applied for in the first place. She said her concern, if the variance was granted, was that she would have to deal with future tenants of Stefan Karnopp's. She expressed her expectation that if the variance was granted for Mr. Cherim, that it would be a one-time allowance and would revert back to what it originally was for any future tenants. She concluded by stating that Mr. Cherim had been very respectful in his dealings

with her. Mr. Head noted a letter had been received from the selectmen which provided some history of the grandfathering aspect of this sign and asked that the application be denied since it would increase the degree of non-conformity, which is not permitted. The selectmen felt the applicant could fit his message on the space available to him, and noted there are plenty of other businesses in town who would like more sign area. Julie King felt this request from Mr. Cherim went against the spirit of the ordinance. The Chairman noted that the adjoining Shear Edge sign had two slats on the top and bottom, the same as Mr. Cherim was asking for. Mr. Cherim agreed and said that was what had influenced the design of his sign since he wanted them to match. Norman Head asked what the size of the existing sign was. Mr. Cherim said it was 3x5, or fifteen square feet. The Chairman said it was already oversized, but was corrected by Norman Head who said the allowed size was 15 sf. He said even though the zoning would allow a 16 square foot sign, this was an off-premise sign which had been restricted to 15 sf. Stefan Karnopp commented on the topic of non-conformity by referring to the tax map which showed a widened area of Intervale Lane which ran down past his property. Mr. Karnopp said it was initially intended for this whole area to be commercial all the way back to the train track and to the back of the NHEC land, and said this was noted in the original deed. He said the island was intended to create a "parkway" effect and said when the town decided they did not want the commercial district to go that far back, this island was removed and the land was added to the properties along the road, including his own. When Norman Head said he did not remember any of this, Mr. Karnopp said when he purchased the property, his uncle, Atty. Peter Hastings, had researched and documented the property's history thoroughly. He said this is why the tax map still shows the island in the middle of the road. Mr. Karnopp concluded by saying he didn't buy a regular house and then throw a sign out on Route 16 in some weird fashion; it was kind-of thought out, but didn't work out when the parkway concept was abandoned. Julia King noted that the selectmen had held the gravel/dirt company across the road to a very strict accounting of parking along Intervale Lane which resulted in them downsizing the business because they had nowhere for customers to park. She said she considered this to be in the spirit of the ordinance, noting "what it once was, it no longer is." She said this area was the entrance to a residential neighborhood and reminded Mr. Cherim that he did not even have frontage for his business and was only allowed to exist because he was grandfathered. Ms. King said in today's world, he wouldn't be.

Julia King asked how the Lower Bartlett Water Precinct felt. Stefan Karnopp said they had indicated if the ZBA approved the variance, then they would go along with it. Ms. King asked what Mr. Cherim's plan B was. He said he wasn't sure; either he would keep the signs for use at a later date or else he simply wasted his money. Peter Gagne asked Mr. Cherim whether there was a sign on his building. Mr. Cherim said there was, but it wasn't visible until people actually drove down Intervale Lane. Mr. Gagne wondered whether it could be placed in the driveway instead, saying every building is allowed to have an outdoor sign. However, he said he wasn't sure whether two could be allowed in this case since one was off-premise. The Chairman said his take on the situation was that Mr. Cherim had a sign which showed his phone number and email address. He said nobody driving by could possibly read this information and suggested that either one or both of the slat signs be placed over that text and for Mr. Cherim to go with what he had. Mr. Cherim said he would like the contact information to stay where it was, since he was predominantly an online business. This prompted Norman Head to comment, in that case, he didn't care about traffic going by. Mr. Cherim said he did care as people still physically came to his office especially when he was holding an event such as a seminar or training. The Chairman suggested that if only one of the slat signs was put on the existing sign that there would still be room for an email address. He noted that people would have to pull over to be able to see it and write it down, which would enable them to see any other small wording on the sign. He said he just didn't see how the board could approve this request. Norman Head said he had always been an opponent of off-premise signs and noted how many he had seen around town, predominantly involving the real estate business. He said people kept doing the wrong thing until they got caught, a comment Julia King agreed with. The board continued to discuss with Mr. Cherim which slat sign would better portray what his business offered should he decide to only put one up: the Outdoor Adventure one or Wilderness Education. Mr. Cherim said they both fitted-in with the character of the area and what the area was known for. He again described the difficulty of dealing with the

vinyl aspect of the sign and not damage it by attempting to add the slat signs directly onto the sign surface instead of onto the wooden posts.

The Chairman asked if there were any more comments. With none, the board then deliberated and voted on the five criteria which must be met before a variance can be granted, as follows:

- a) Granting the variance will not be contrary to the public interest. Vote: 5 disagree, unanimous.
- b) Owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship. Vote: 5 disagree, unanimous.
- c) The spirit of the ordinance is observed. Vote: 5 disagree, unanimous.
- d) Granting the variance would do substantial justice. (There was confusion as to whether this question meant that substantial justice would be done if the variance was granted or if substantial justice would be done if the variance was not granted.) Vote: 5 agree that substantial justice would be done by turning the variance down.
- e) The value of surrounding properties will not be diminished. Vote: 5 agree, unanimous.

Based on the above vote, the Chairman said he would entertain a motion to deny the variance since all the above conditions had to be met for it to be granted. Motion to deny was made by Norman Head; seconded by Julia King. Vote: All in favor. The selectmen will be informed of the board's decision.

Norman Head suggested that the NHDOT could perhaps help Mr. Cherim by allowing a sign in their right-of-way. Mr. Karnopp thanked the board for their consideration.

3. Review of Minutes: The minutes of the March 22, 2019 meeting were reviewed. With no comments or corrections, a motion to approve the minutes, as written, was made by Norman Head; seconded by Anita Burroughs. Vote: All in favor. Julia King noted that the board had agreed to meet to approve these minutes a few weeks ago. She said Anita Burroughs arrived at the correct time and had waited for others to arrive; however, Ms. King said she had the wrong time and had arrived after Ms. Burroughs left. These were the only two people to show at the meeting. The three male members apologized to their counterparts for their failure to attend. There was a discussion regarding another meeting to approve these minutes. It was decided that if another ZBA application was not received within the next three weeks, that a meeting will be called for the sole purpose of approving them.

With no further business, a motion to adjourn was made by Julia King; seconded by Anita Burroughs. Vote: All in favor. Meeting was adjourned at 9:05 pm.

Respectfully submitted,
Barbara Bush
Recording Secretary