

**TOWN OF BARTLETT PLANNING BOARD  
PUBLIC HEARING**

**June 3, 2019**

**Members Present:** Scott Grant; David L. Patch; David Shedd; Kevin Bennett; Barry Trudeau; Kevin McEnaney. David A. Patch arrived at 6:06 pm. **Members Absent:** none.

**Also Present:** Philip Franklin and Norman Head representing the Bartlett Historical Society.

Chairman Scott Grant called the meeting to order at 6:00 pm. After reviewing the items on the agenda, he led all present in the Pledge of Allegiance.

**1. 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 was continued since the applicant was still waiting for state subdivision and septic approvals. Additionally, the road design was being revised to relocate the catchbasins out of the road right-of-way. A motion was made by Kevin McEnaney; seconded by Kevin Bennett to continue the application to the July 1, 2019 meeting. Vote: All in favor.

**2. 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.

This application is also waiting for state subdivision approval. The Chairman called for a motion to continue the application to the July 1, 2019 meeting. Motion made by Kevin McEnaney; seconded by David L. Patch. Vote: All in favor.

**3. Informal non-binding discussion with representatives of the Bartlett Historical Society.** Phil Franklin said he was here tonight as president of the Bartlett Historical Society. He provided information explaining the key points of the proposed sale of the St. Joseph Church from the school district to the historical society. It said the two parties had an agreement, in principle, for the school to sell the church building and a 15-ft. perimeter of land around the north, east, and south sides of the building, along with land on the west side out to School Street to the historical society for \$1.00. When the school originally purchased the church property from the Roman Catholic Diocese of Manchester in 1999, the church lot was larger and contained an additional 0.11± acres to the north of the church; however the school wished to retain this land for their own use. Mr. Franklin said while the society would like more land, the 15-ft. perimeter around the church was the extent of land the school board was willing to offer. Mr. Franklin provided a preliminary plan, prepared by York Land Services, which showed a proposed boundary-line adjustment between the church land and the school land which removed the 0.11-acres from the church lot and added it to the school lot. This adjusted area was identified on the plan by stripe-hatching. The adjustment also created the 15-ft. perimeter around the church that had been requested by the school. Mr. Franklin acknowledged these adjustments made a non-conforming lot even more non-conforming and said he was looking for feedback from the board as to whether this was a workable situation.

David L. Patch said he was totally in favor of the historical society's efforts and would like to find a way to make this project work within our regulations. However, he said a boundary-line adjustment which resulted in a more non-conforming lot was not a good thing, particularly when it cut down on septic density. Mr. Patch noted the plan showed an existing cesspool on the north side of the church and said he had personally experienced cesspools lasting for many years, but wondered what the consequence would be should it ever fail. Mr. Franklin said Burke York had indicated new technology may make it possible to design a narrow replacement septic system in the same location, should that happen. He added that he had been hopeful that the school board would consider granting a septic easement to the society, but said all indications now was that proposition would not fly so he was not even pursuing the matter. Mr. Franklin agreed with the concern raised by Mr. Patch, but said the cesspool had been inspected by septic engineer Walter Lancaster who found it to be very-well constructed and in good condition. Furthermore, the museum would be a very low-volume user, being minimally-staffed and having no kitchen. Kevin

Bennett asked what parking would be provided, saying at least one ADA space would be needed. Mr. Franklin said in their lease with the school there was an agreement to allow the museum to use the school's parking lot on the south side of the building when it was not being used by the school. A handicap ramp could be located at the back of the church building under the gable side where an existing back door is located, which would access onto the lot. He said the museum would most-likely only be open on weekends, but if it should open on week days that patrons could still park on the street.

David Shedd, saying he also was a proponent of efforts to save the old church and create a museum, noted that the town basically had a residential area and a commercial area, with the commercial area being located along Route 302. He cautioned that care should be taken to not expand the commercial area by taking land from a residential area, and asked whether the church was considered a residential lot. Norman Head said he thought the area from Route 302 back to the railroad tracks was commercial. Mr. Shedd said it was his understanding that commercial property required frontage onto Route 302. A short discussion ensued about the limits of the commercial area whereby David L. Patch said he thought he recalled that when zoning was implemented they decided to have the commercial area go back to the tracks and along Albany Avenue, though admitted this information needed to be checked. Mr. Franklin said another issue was that he had been advised by the selectmen's office that their change-of-use application would be denied since museums were only an allowed use in the commercial district. David Shedd said he would like the planning board to be able to help, if possible, and indicated he would be willing to consider some waivers. The board offered some other suggestions for the society to consider, including getting permission from the school district to use the shaded area being removed from the church lot as part of this BLA for density calculation purposes. Nothing would be built on it by the historical society and the school would still have use of the area. Mr. Franklin said he would bring that up with the school board when he met with them tomorrow night. A suggestion was also made to change the terminology of what the use would be by calling it an office. Mr. Franklin said the project had always been called a museum, which was part of the marketing draw, and said he wanted to prevent anyone questioning that use in the future by doing things right. David A. Patch noted no matter what it was called, it was still a change-of-use and felt the main issue needing to be resolved was the minimum land area (MLAR). David Shedd said depending on how a street was laid out in the past, the lots along it sometimes owned the land underneath the street to the centerline. He suggested one thing to do may be to go back in time and look at old deeds to see if this was the case in this situation, which may be a way of increasing land for MLAR purposes.

David L. Patch asked selectmen's representative David A. Patch if it were possible for Burke York to design a long, narrow replacement septic system, would that take care of the selectmen's concerns? David A. Patch said he believed so, but still at issue was the fact that a museum was not an allowed use in a residential area. He suggested the ZBA may be able to grant a special exception to resolve this. Mr. Franklin was asked how the 15-ft. setback distance around the church as shown on the BLA plan had come about. Scott Grant, who is also a member of the school board, explained that some of the school board's reasoning for that decision was based on the zoning requirement of a 15-ft. setback around buildings in a residential area. David L. Patch said that brings us back to the difference between a 15-ft. residential setback and a 50-ft. commercial setback. Mr. Grant also addressed the school board's thoughts on granting a septic easement for any replacement system, if needed in the future, saying they would like to see the historical society restore the church before considering that option. He acknowledged how hard the society had worked towards that goal, and felt they were "almost there." Norman Head responded by saying if the society spent half-a-million dollars to fix the church and the septic then failed, that would leave the society in a very weak position to bargain. Phil Franklin agreed, saying they were trying to work out all the issues as they were now at a threshold as to whether they bought the church or not, and whether this project went ahead. He said the issue wasn't the \$1 sale; the issue was whether they ended-up with a building that they can't do anything with, and which can't be used for the purpose they intended. If septic density can't be resolved, if the 15-ft. perimeter BLA is not approved, and the change-of-use can't be granted, it meant the church could not be used by the historical society in the way they want to use it. If that became the case and the historical society owned the building, then they would be burdened with the cost of demolishing it, which could be roughly \$100,000, an amount which included lead and asbestos abatement. He admitted it would be sad to see that happen since the society's main purpose was to preserve the historic church, but that was the reality of the situation at the moment. He said

donors who had contributed towards the preservation efforts would be contacted and offered their money back, and the society would walk away from the deal. Norman Head noted that if this project did not go ahead and the school district retained ownership of the church, then they would tear it down and the cost of such demolition would be borne by the taxpayers. He suggested he would like to see the school district work more-closely with the society than they had so far, rather than spend all that money on demolition. Mr. Franklin pointed-out if the school allowed the society to use the area being removed from the church land for density calculations, that it would have no negative effect since no cost to the school was involved, no soil would be placed on it, no piping or equipment would be laid underneath it, and the school would still own it and could use it however they wanted to.

There was a short discussion on what relief the ZBA could offer; a suggestion was made to submit a petitioned warrant article for next town meeting to remove the commercial classification from museums; and it was asked whether the church could be moved to another location. Mr. Franklin did not feel there was enough time to go to town meeting, saying the church was exhibiting signs of interior buckling and would not likely survive another winter. He also felt this buckling would preclude it being physically moved without a lot of work to shore it up while being lifted. Furthermore, he said the Preservation Alliance had marveled at the fact the church still sits on the same site and foundation that it was built on in 1890. It is one of only a few Colonial American churches left in existence and represented the model for some of the larger cathedrals in the southern part of the state.

Mr. Franklin said he was looking for an informal straw vote from the board at this time. When David Shedd asked what specifically the straw vote would entail, Mr. Franklin said that the planning board would approve the boundary-line adjustment to reflect the 15-ft. perimeters as shown on the submitted plan. David L. Patch said the “elephant in the room” was the septic density, but thought if the school was willing to allow the land previously mentioned to be used in density calculations for any replacement system, then that would go a long way towards an approval of the BLA. David Shedd agreed septic density was what stood in the way of approving this BLA and said he would like to see the planning board work with the school board to find some solution. He felt if the school board was willing to allow the previously-mentioned land to be used towards minimum land area requirements, that the application could probably be approved. Mr. Patch said he did not have a problem with the church being called a museum, as that was only terminology used as a way of identifying it. He described the project as a “low impact good thing.” Kevin McEnaney spoke in strong support of the historical society’s efforts to preserve the history of our town, and said somehow we had to make this work. Mr. Franklin asked David A. Patch what the selectmen’s reaction would be if they changed the terminology and not call it a museum. Mr. Patch said it would still be a change-of-use, no matter what it was called, and noted that it was not going to be a residential use unless someone was going to live there. He said it was still “iffy” as to whether it was commercial or not. When Mr. Franklin asked him, from a selectmen’s perspective, whether this was still up-in-the-air and they could get questioned about it, Mr. Patch agreed.

Scott Grant provided a little history about how the school and the historical society became involved with the project and described what an outstanding job the historical society had done. He concluded by saying, to him, the septic was a non-issue since there’s already one there and there was not going to be a kitchen, etc. He said the environment along the street was not being altered, in fact it was being improved, and the school did not care what the use of the church was called. David L. Patch finally brought the straw poll discussion to a head by saying if the school board agreed at their meeting tomorrow night to let the society use the shaded area for density calculations for possible future use, and the ZBA gave their okay to put a museum on that lot, then he did not see anything else that would hold this application up. He asked if anyone saw anything else, other than those two issues. David Shedd again expressed his concern about the commercial district being expanded by adding a residential lot and Barry Trudeau wondered how they could use a residential lot for a commercial purpose. David L. Patch said that was what the ZBA was for. Phil Franklin said his opinion was that the historical society should not purchase the church building until all the outstanding issues had been resolved. He said he was submitting a change-of-use permit to the selectmen tomorrow, and advised everything would be submitted under the name of the school board. He knew that the change-of-use would be denied, and that he would also need to submit a ZBA application. The board wished him well at the school board meeting tomorrow night.

**4. Review and Approve Minutes:** The minutes of the May 6, 2019 meeting were reviewed. A motion to approve, as written, was made by David A. Patch; seconded by Kevin McEnaney. Vote: 6-0-1, with Scott Grant abstaining since he had not attended the meeting. There were no minutes for the May 21 work session since the meeting was not held.

**5. Mail and Other Business:**

- Any mail listed on the agenda was reviewed.
- David Shedd asked whether the board should conduct their annual inspection of the town's gravel pits. It was agreed this should happen, and Chairman Grant offered to contact the pit owners to organize it. The discussion prompted a question to be asked whether the former Glen Builders property, which was recently sold, ever submitted Intent to Excavate permits for their old gravel pit. It was thought they did at one point and it was suggested the new owners should continue doing so to keep their gravel pit status current.
- The Chairman briefly spoke about the increased popularity of drones and asked whether the board should look into developing regulations to control their use. It was decided to discuss this issue at a future time.

There being no other business, a motion to adjourn was made by David Shedd, seconded by Kevin McEnaney. Vote: All in favor. The meeting adjourned at 7:33 pm.

Respectfully submitted,  
Barbara Bush  
Recording Secretary