

**TOWN OF BARTLETT PLANNING BOARD  
PUBLIC HEARING**

**October 5, 2020**

**Members Present:** Scott Grant; David L. Patch; David Shedd; Kevin Bennett; Gus Vincent. Participating remotely were Kevin McEnaney and Barry Trudeau. **Members Absent:** None.

**Also Present:** Loralie Gerard of Horizon's Engineering; Kiran Patel; Sanjay Patel; Dana Belcher.

**1. Pledge of Allegiance:** Chairman Scott Grant opened the meeting at 6:04 pm. He led all present in the Pledge of Allegiance and reviewed items on the agenda.

**2. Public Hearing: BBSK Properties, LLC, 457 NH Route 16A.** File: 2020-1267. Application to create a residential exclusive-use area around an existing owner-occupied residence on the Swiss Chalet property. Tax Map 1RT16A, Lot 227-L00.

Lori Gerard presented. The Chairman noted that a previous application for a 2-lot subdivision of this property was currently before the board, having been continued since November 2019. The Chairman said that application would need to be withdrawn before the board could proceed with this new application. Ms. Gerard said she did not have a written request to withdraw the prior application, but asked if the board would accept her verbal request until such time as something in writing could be provided. The Chairman agreed, and a motion to accept the verbal request to rescind the prior application was made by David Patch; seconded by David Shedd. Vote: All in favor.

Ms. Gerard said the purpose of this application was to create an exclusive-use area around an existing owner-occupied residence on the Swiss Chalet property. Ms. Gerard said this area would be for the exclusive use of the homeowner and no commercial activity would take place within its limits. She said the residence had its own septic system, which was located within this area, and a NHDOT driveway permit to access the residence off Route 16A was pending. Ms. Gerard reminded the board that the lines shown on the plan delineating the exclusive-use area were not property lines and did not create a new lot.

The Chairman called for a motion to accept the application. Motion to accept made by David Patch; seconded by Kevin Bennett. Vote: All in favor. The Chairman asked whether the board had any questions. Kevin McEnaney asked whether his understanding that this was not going to be a separate piece of property but only an exclusive-use area for the house was correct. He said it sounded basically like a PUD. He further asked whether it meant that the house could not be sold separately without selling the whole property and, if we approved it, did it create a precedence for other properties wanting to do the same thing. He asked whether there were other properties with this type of use and said he would like some clarification. Ms. Gerard shared some information she had brought with her which described the legal definitions of PUDs, common areas, exclusive-use areas, etc. The Chairman said as far as setting a precedence went, each application was considered on a case-by-case basis. He advised Mr. McEnaney of several other properties in town which supported a residential/commercial use. David Patch asked if we approved this, did it mean in the future that any overflow guests from the commercial cabins could never be housed in the residential unit. When Ms. Gerard said that was correct, Mr. Patch said, in that case, it pretty-much separated the two uses. David Shedd said he would like to see a note added to the plan saying that no commercial use was to occur within the exclusive-use area. Ms. Gerard agreed to do that. He asked whether the residential-use area could ever become commercial again, if things changed in the future. Ms. Gerard said this was a commercial grandfathered property and they would need to reapply for any changes in the future. David Patch agreed it was grandfathered and they would need to reapply, but noted given this property's history changing it back may not be easy. However, he added that if this current application was not approved, they could go back to what they have now and it would simply be the same as it had been in the past.

Kevin Bennett spoke of how he felt the property did not comply with some of our zoning requirements, specifically the lighting on the property which he said was pretty intense. He noted that pavement surrounded the entire residence and wondered how that affected the greenspace. David Patch said these issues would be

considered if we were creating an actual lot, but we weren't. All we were doing was creating an area which was defined by metes and bounds, which would be for an exclusive residential use. At this point the Chairman opened the public comment period of the hearing which he subsequently closed when nobody present offered any comments. The Chairman asked whether the board had any further questions. David Shedd summed-up the outstanding issues by saying the sign needed to be moved out of the exclusive-use area, the DOT driveway permit needed to be issued, and the plan note added. He asked Ms. Gerard whether she had heard anything regarding the status of the driveway permit and asked what would happen if it was not granted. Ms. Gerard said she had not been involved with the driveway permit application so could not speak to it, but indicated if it was not granted that the whole project would be null and void as there was no other place it could go. Mr. Shedd asked why couldn't the owners use the same driveway they were currently using. Mr. Shedd said he was not proposing that, but he would not have a personal objection to it happening. David Patch commented that, historically, if you had a lot, you did not need to access it through the frontage, but rather through wherever it was easiest. Mr. Patch said he also did not have a problem with the owners using the driveway they currently use. David Shedd indicated the applicant should continue pursuing the state driveway permit, but if it was denied he did not see why it should deem the project null and void. David Patch said he agreed with Mr. Shedd, saying people should be allowed use of their property. He polled the rest of the board and asked whether they agreed with that issue and received a positive response. Mr. Patch said in that case, the only outstanding item was to move the sign. The Chairman suggested holding off on doing that until everything else was settled, but Ms. Gerard said it would need to be moved regardless. David Shedd reiterated they should continue working with the state on the driveway permit, but if it was denied then the board could work around it. Mr. Patch again agreed, and again asked the board if they were also in agreement, which they were.

A motion to continue the application to the October 20, 2020 meeting was made by Kevin McEnaney; seconded by Barry Trudeau. Vote: All in favor.

**3. Continuation/Final Approval: RSM Bartlett Properties (Richard Girardin), 590 US Route 302.** File 2020-1265. This is an application to subdivide a 13.07-acre parcel into six lots. Lots 1, 2, and 3 (containing 1.40, 1.39, and 1.63 acres respectively) will be served by one driveway, while Lots 4, 5, and 6 (containing 1.56, 3.23, and 3.86 acres respectively) will be served by a second driveway. A request to withdraw a previously-continued application for 7 duplexes on this property had also been received and accepted. Property identified as Tax Map 3RT302, Lot 53-R00.

Loralie Gerard presented and said the plans for this project had changed based on feedback from the DES during their review for subdivision approval. She provided a preliminary copy of a revised plan which showed six lots were still being proposed, but their boundaries had changed. The board reviewed the plan, but with nothing further to discuss a motion to continue the application to the October 20, 2020 work session was made by Gus Vincent; seconded by Barry Trudeau. Vote: All in favor.

**4. Review and Approve Minutes:** The minutes of the September 9, 2020 minutes were reviewed. Kevin McEnaney said when he printed the copy he had been emailed some pages were missing. Other members who had been included in the same email thread indicated they received all six pages, so it was not known how the problem Mr. McEnaney experienced had occurred. A motion to approve the minutes, as written, was made by David Patch; seconded by Kevin Bennett. Vote: All in favor.

The minutes of the September 22, 2020 meeting were reviewed. David Shedd noted that on page 2, Item 4, 8<sup>th</sup> line down in the 4<sup>th</sup> paragraph, the text reading, "which did not commercial setbacks ..." should read, "which did not *meet* commercial setbacks..." A motion to approve the minutes, as amended, was made by David Shedd; seconded by Kevin McEnaney. Vote: 6-0-1, with Kevin Bennett abstaining since he had not attended the meeting.

**5. Mail and Other Business:**

- Kevin McEnaney enquired as to when the master plan was scheduled to be updated, and said he was asking because he would like to see something done about the town hall. He noted the 15-acre former Wooden Soldier property was on the market and felt it would be prudent for the town to look into acquiring it for future development. Mr. McEnaney said he would like to see the planning board involved, but the board felt this issue was under the purview of the selectmen's office, and noted the selectmen's representative was present and had heard Mr. McEnaney's suggestion.
- The Chairman advised of a pending court case which would potentially increase the school portion of Bartlett's tax bill to \$13.20 per a thousand dollars, thus causing most people's tax bill to double.
- The Chairman said he had been approached by Shawn Shannon who had expressed concern with operations involving the dredging of the river in Bartlett and associated removal of approximately 10,000 yards of gravel material by A.J. Coleman. He said the gravel was being taken to an "unauthorized" pit to be stored and likely crushed for resale, which Mr. Shannon felt was unfair since he was not permitted to do the same at his pit. The Chairman said he had also briefly spoken to Gene Chandler who had advised him that Colemans owned the gravel they removed from the river. The board was unsure of how to deal with this situation and a suggestion was made to seek advice from the Municipal Association.
- Kevin Bennett spoke about the problem involving trash overflowing and blowing about the property at Dunkin' Donuts in Intervale. He said he had reported the matter to Vicki Garland, who was the town's health inspector.

There being no other business, a motion to adjourn was made by David Shedd, seconded by Barry Trudeau.  
Vote: All in favor. The meeting adjourned at 7:18 pm.

Respectfully submitted,  
Barbara Bush  
Recording Secretary