

**TOWN OF BARTLETT PLANNING BOARD  
WORK SESSION**

**September 22, 2020**

**Members Present:** Scott Grant; David L. Patch; David Shedd; Gus Vincent. Participating remotely were Kevin McEnaney and Barry Trudeau. **Members Absent:** Kevin Bennett (with notice).

**Also Present:** Loralie Gerard and Wes Smith of Horizon's Engineering; Rick Girardin; Norman Head.

**1. Pledge of Allegiance:** Chairman Scott Grant opened the meeting at 6:00 pm. He reviewed the items on the agenda and led all present in the Pledge of Allegiance. The Chairman then introduced Gus Vincent who was taking over for Vicki Garland as the selectmen's representative on the planning board. Mr. Vincent operated the Zoom equipment for tonight's meeting.

**2. 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 had been accepted at the last meeting. Property identified as Tax Map 3RT302, Lot 53-R00.

The Chairman noted this application had been through a public hearing last meeting and asked whether the board had any other questions. David Shedd spoke about whether monuments were required to be set before any conditional approval could be granted and asked Loralie Gerard whether a piece of rebar could mark the corners and whether subsequent earthwork on the property would likely destroy any set monuments. Ms. Gerard said rebar could be used, and corners would not likely be disturbed during construction. Mr. Shedd then asked Norman Head whether he had received the information he had requested from the applicant, Rick Girardin, at the last meeting. At that time, Mr. Head had asked Mr. Girardin what the NHDOT-required distance between driveways was, and whether that distance was measured from the centerline-to-centerline of the driveways or from edge-to-edge. Mr. Head indicated he was all set. The Chairman initiated a short discussion with board members regarding their thoughts on granting conditional approval for projects such as this one when the state liked to see subdivision approval at the town level before their approvals were granted. David Patch spoke against conditional approval, saying we had never granted it in the past and to start doing so now would be unfair to previous applicants who had not been granted it, either.

Wes Smith asked that this application be continued until the next meeting since they were still waiting for state subdivision approval. A motion was made by David Patch; seconded by David Shedd to continue the application to the October 5 meeting. Vote: All in favor.

**3. Continuation/Final Approval: Range View Cabins, LLC, 1069 US Route 302.** File: 2020-1266. This is an application to amend the ownership structure of a previously-approved 3-unit subdivision. Currently, all three units are under one ownership and the owner is now proposing to create exclusive-use areas around each unit to enable them to be individually owned. The remaining common area land will be held in joint ownership under a homeowner's association. The primary reason this is before the planning board is because the Registry of Deeds will not record the legal documents changing the ownership structure until the planning board either stamps the change as "approved" or adds a note stating that planning board approval is not required. There will be no physical changes to the lot.

The Chairman asked if the board had any further questions on this application. David Shedd asked whether this was a PUD or a condominium. Loralie Gerard said once the plan was recorded, that condominium documents would then be filed. Mr. Shedd wondered whether the concept of PUDs, condominiums, or exclusive-use areas was being used as a means to get around situations where the current regulations could not be met. He asked whether there was a state RSA which dealt with exclusive-use areas. Wes Smith spoke and offered to answer some of Mr. Shedd's questions. He explained that the term "exclusive-use" did not mean an actual lot was being created. What the legal documents did was to describe a legally-defined area of land around the building which

the owner took care of and could use for their own personal use. This defined area offered the unit owner some privacy and rights, and was also a way to keep people from trespassing around their unit. In addition, the legal documents spelled-out the owners' right to share things such as a driveways, wells, and septic. Mr. Smith said in the case of this application, the only thing which was changing was that each of the three existing cabins could now be individually owned. The land would still be under one ownership, only instead of being a single person, it would be under a homeowner's association which all the unit owners would belong to. The discussion continued with David Shedd asking how many tax bills the property received now, how many they would receive once these exclusive-use areas were recorded, and asked whether these units could ever become a commercial use. Mr. Shedd was reminded that during review and approval of the previous 2016 application, a plan note had been added to the 2016 plan, at his request, stating any unit which did not commercial regulations could never become a commercial use, and that note was still shown on the current plan. Mr. Shedd said he felt some of the information presented tonight was a little conflicting, but since this application had been approved at the last meeting, the mylar which had been provided for recording was signed by the Chairman.

**4. Preliminary pre-application review: BBSK Properties, LLC, 457 NH Route 16A. File: 2020-1267.**

Application to create a residential exclusive-use area around an existing residence on the Swiss Chalet property. Tax Map 1RT16A, Lot 227-L00.

The Chairman explained this was a preliminary review of a new concept for the Swiss Chalet property to separate the owner's personal residence from the property's commercial activity. He noted we still had an active ongoing application which had attempted to create a separate lot for the residence, and said that would need to be officially withdrawn by the applicant if this new proposal went ahead.

David Shedd asked whether the residential building would become part of the commercial activity. Wes Smith said it was always part of it in that it was an owner-occupied unit within a commercial use. He said what they were trying to do now was to separate the residential use from the commercial use, so that the commercial use would not infringe upon the residential exclusive-use area and would hopefully keep patrons and people renting the Swiss Chalet cabins from coming up to the private residence. He said the entire property would still be under the same entity, and the only residential aspect would be the actual residence itself. Mr. Smith said the separation in use would also help by allowing the owner to obtain residential mortgage and insurance, etc.

David Shedd asked whether that meant that the residential house could never become part of the commercial activity on the Swiss Chalet property ever again. Mr. Smith said if this was approved, it would be separate from the commercial activity. Mr. Shedd asked again whether it would ever be able to be used commercially. Mr. Smith said not unless they came back and reapplied. Mr. Shedd asked whether the house met setback requirements for commercial activities. Mr. Smith said it does, as the house was built with commercial setbacks in mind, but that exclusive-use areas did not have setbacks. Mr. Shedd said he had the same problem with this as he had with the Range View application, and said he would not approve it unless the same plan note was added to this plan as was added to that plan saying anything which did not meet commercial setbacks could never become a commercial use. Mr. Smith agreed that could be done. Mr. Shedd said he did not necessarily have an objection to all this, he was just trying to be careful about residential activity and commercial activity bouncing back-and-forth. David Patch said he agreed with that, however when this home was built it was a residence for the owners and was never rented out. Mr. Smith agreed. Mr. Patch went on to say that nothing was really changing other than adding an exclusive-use area around the home for the owner's use. Mr. Smith again agreed.

The board preliminarily discussed several other items including the location of the existing sign which Mr. Smith said would likely be moved out of the exclusive-use area; greenspace; whether the house had its own septic (it does); its water supplier (Lower Bartlett Water Precinct); and the location of the new driveway to the residence which the DOT indicated they would allow.

This application will be formally submitted at the October 5 public hearing.

**5. Review and Approve Minutes:** It was requested review and approval of the September 9 minutes be postponed until the October 5 meeting since they were late being distributed and some members had not yet read them.

**6. Mail and Other Business:**

- The Chairman gave a follow-up of the gravel pit inspections he and David Patch had recently conducted. He said everything looked good, the boundaries had been staked-out for clarity, and there was no evidence of any improper excavation activities anywhere. He said there was still some material stored over the boundary line at the Glen Sand & Gravel pit, but the crabgrass and vegetation around it had not been disturbed which indicated it had not been used. He said he was also shown a copy of their Intent to Excavate permit, which the town had apparently not received.

There being no other business, a motion to adjourn was made by Barry Trudeau, seconded by David Patch.  
Vote: All in favor. The meeting adjourned at 6:48 pm.

Respectfully submitted,  
Barbara Bush  
Recording Secretary