

**TOWN OF BARTLETT PLANNING BOARD  
PUBLIC HEARING**

**February 6, 2023**

**Members Present:** Scott Grant; David Shedd; Michael Galante; Joe Heuston; Gus Vincent; Kevin Bennett. **Members Absent:** David L. Patch.

**Others Present:** Andrew Fisher from Ammonoosuc Survey Co., Leslie Mallett; Tammy Bronejko; Franklin George; Jessica Spaulding; Mark Spaulding.

**1. Pledge of Allegiance:** Chairman Scott Grant opened the meeting at 6:07 pm, led all present in the Pledge of Allegiance, and reviewed items on the agenda.

**2. Public Hearing: Two-lot subdivision and 2-unit PUD, Mead Mudgett Trust (Mark E. Mudgett, Trustee), River Street, Bartlett.** File: 2023-1289. This is an application to subdivide a 17.78-acre parcel into two lots containing 5.88 and 11.90 acres respectively. After subdivision, the 11.90 acre lot will become a 2-unit PUD. Tax Map 5VILLG, Lot RIV-40B.

Andy Fisher presented and explained the intent of the subdivision was to subdivide a 17.78-acre family property, which was held in a trust, so that each of three siblings/trustees could own an approximately-equal share of land and have their own home. He said the 17.78 acres was land left over from when the original large parcel was subdivided in the past. Mr. Fisher explained the reason it was being divided into one standalone lot and a two-unit PUD was because there was not enough road frontage to create three single lots. Mr. Fisher described the location of the parcels relative to the river and surrounding properties. Discussion followed as to what a PUD entailed, with David Shedd asking how the Registry of Deeds would define them. Mr. Fisher said just like any other unit subdivision where each unit would have a separate deed and could be conveyed from person to person. Mr. Fisher said, at the moment, all the trust was trying to do was to share the property among the three trustees. He said whoever owned the units in the future was not relevant to the issue of this subdivision. Mr. Fisher said if what Mr. Shedd was asking was could they have more units on the larger lot, then the answer was yes as the density was there. However, that is not what they were asking for at this time. He felt it did not make any sense to try to predict into the future. Mike Galante noted this was simply a two-lot PUD with its own entrance on River Street, and Mr. Fisher's point was that at a future date it *could* change, but at this point it wasn't. Mr. Fisher agreed.

Mr. Shedd was asked whether he had witnessed test pits for the subdivision. He said he had, but noted they were done for subdivision purposes and not as part of septic designs. Mr. Fisher said they were done to show there was viability for septic systems. If it was decided at a later date to build in a location other than where the 4k septic area was shown on the plan, then they would need to have further pits dug.

Kevin Bennett asked about frontage, and how many more houses could be put on the property and where would the driveway to them go? Mr. Fisher said the smaller lot had 150-ft. frontage, and the larger lot had 66-ft. and could also be accessed via a deeded right-of-way near the southern end of the parcel. He said he was not sure about another driveway location, but said the town allowed three dwellings on a drive and at the moment there was only two proposed. He felt discussion on any further driveways or houses was hypothetical. Mr. Bennett said he asked because he deals with issues such as this in Jackson a lot, where he is the building inspector. He also noted the big issue of short term

rentals has still not been dealt with in Bartlett and spoke about how half the board wanted to address it this year through a warrant article, while the other half did not. He said it comes down to the fact that people just don't want to see more short-term rentals. He said PUDs were great if they were used for families who actually lived in them, but his concern was that they gave too much leverage for over-development for use as short-term rentals.

When the Chairman said right now this was not a PUD, Mr. Fisher agreed right now it was not, but it was going to be. The Chairman asked why; that there was a single driveway with two potential houses, and another driveway with a potential single house so why would it need to be a PUD. Mr. Fisher again explained what was being proposed and said he did not know what else it could be as they were not proposing three standalone lots. The Chairman pushed further saying the property was all owned by trustees of a trust so why was a PUD necessary? Mr. Fisher agreed but said what having a PUD did was to give each trustee, or sibling, the ability to own their own home which they could sell to someone outside of the family trust if they wanted to. He reiterated again that there was no further development being planned, other than these three homes. Mike Galante was the next to question PUDs and asked why Mr. Fisher bothered calling it a PUD instead of just a simple subdivision. Mr. Fisher again explained so that they could split the ownership of a parcel which did not have enough frontage for three standalone lots.

The Chairman asked about density, and whether the number of allowed bedrooms was shown on the plan. Mr. Fisher said yes, and advised that the 5.88-acre lot could support 24 bedrooms, while the 11.90-acre lot could support 45 bedrooms based on Bartlett's density regulations.

The Chairman asked if the board had any further questions. With none, he called for a motion to accept the application. Motion made by Michael Galante; seconded by David Shedd. Vote: All in favor.

The Chairman then opened the hearing for public comment. Jessica Spaulding said she was an abutter, as was her brother, Franklin George, who was also present. They asked to see the plan and asked for things to be explained to them again, using the plan as a reference to the their own property, as well as to other abutting properties. Mr. Fisher did so. Ms. Spaulding asked whether anyone had looked at how the river flow and floodplain could affect the land? When she asked whether the land was outside of the floodplain, Mr. Fisher said a lot of the property was within the floodplain, and a lot was above the floodplain by elevation. He said wetlands had been delineated by Greg Howard. Ms. Spaulding said she did not understand PUDs either, and wanted the concept explained again. David Shedd did so, and during the explanation asked Mr. Fisher to explain a plan note which stated several discrepancies were discovered between the recorded subdivision plan, deeds, and found boundary evidence. Mr. Fisher explained that previous survey work done by others, and some of what he found on the ground, did not quite work out perfectly. He said when there was a slight discrepancy in the sidelines, he leaned towards the deed descriptions for clarification and made sure any sort of "wiggling" benefited the surrounding parcels so that they got what was called for in their deed. David Shedd mentioned that the plan seemed to show that the Mark Mudgett lot went all the way to the river. Mr. Fisher said it did look like that, but his company did not survey that far down as it was not part of this subdivision. He said he did not want to draw lines on the plan which he did not know actually existed.

The Chairman asked if there were any other public questions. With none, he closed the public hearing and asked if the board had any further questions. Joe Heuston suggested to Mr. Fisher if the plan was produced in color, it may be easier to understand. Mr. Fisher said he could thicken some of the lines if that would be helpful, but he did not want to draw on the plans presented tonight which were to be disseminated to other people and departments. Jessica Spaulding spoke from the audience saying she had a further question. She asked what the minimum acreage was in Bartlett to build on. David Shedd answered by saying it depended on soil type, the steepness of the land, and any wetlands, but the minimum area needed based on the best soil type was 30,000 s.f., which was approximately two-thirds of an acre. He said if the board ever had questions about a parcel's density, they had the right to require a high-intensity soil survey be performed.

After some discussion regarding building in the floodplain and the potential for River Street to flood, the Chairman called for a motion to continue the application to the February 21<sup>st</sup> work session. Motion made by Michael Galante; seconded by Joe Heuston. Vote: All in favor.

Before leaving, Mr. Fisher asked if he could take a moment of the board's time to discuss another project he was working on. He recalled he had spoken to the board previously about this subdivision and wanted to ensure everyone was still on the same page. He presented a conceptual sketch of property across the road from the Golden Apple Inn which showed a town-spec looped road with multiple driveways coming off it. Five of the drives served single homes; one served two homes, while three served three homes. Mr. Fisher acknowledged that was not the exact layout, but said it would probably be similar. He also acknowledged the road would be under the purview of the selectmen and said he was not asking the planning board to weigh-in on the road itself, but he was just looking for feedback on the general concept he was presenting. He said this project was much-more of a planned development than what the application the board had just discussed was.

David Shedd said he observed sixteen test pits on the property, which went down to ten feet on all but one. He said they hit seasonal high water in one of the holes at approximately nine feet, so it appeared the drainage was very good. Mr. Fisher added that wetland scientist Greg Howard was also on site. Mr. Fisher said this was still a conceptual plan and that a lot of permitting still had to be done such as septic, drainage, Alteration of Terrain, and shoreline permitting, etc. David Shedd said one thing which occurred to him was that Mr. Fisher may want to pay attention to the distance between the driveways. Mr. Fisher agreed, but said he could not find any mandated distance, only that they were not to be too close together. The Chairman said he assumed it would be 50-ft., but not to quote him on that figure. Mr. Fisher said whatever the distance was, he was designing it to be safe. He said one of the intents was to keep the houses as far away from the highway as possible.

The Chairman asked if the board had any comments. David Shedd asked whether the homes would be three bedrooms. Mr. Fisher said yes, the ones as shown were all three bedrooms but added at some point it may make sense to have some of them be duplexes which would have a smaller footprint. David Shedd reminded him that a duplex was considered as two houses for driveway purposes. The Chairman asked if each unit would have its own septic. Mr. Fisher said maybe, unless it made sense to have shared systems. The Chairman asked whether he had talked to town hall about the loop. Mr. Fisher said yes, and that he was advised to talk to Burr Phillips, which he had not yet done. The Chairman recalled Mr. Fisher was originally looking for three separate driveways from the state, but

that was denied. He said with three houses on each driveway that came to nine dwellings, but now Mr. Fisher was proposing a lot more than that. He asked whether the state was aware there was now going to be a big town loop road. Mr. Fisher replied that the state said they would approve one curb cut and they wanted it to be directly across from the Golden Apple Inn. The Chairman again asked whether the state knew there was going to be a town road with numerous houses. Mr. Fisher said they did, and said what he expected to happen was that once he came before the board with a proper plan, the state would give a draft driveway permit which would be finalized once the planning board gave their approval. The Chairman reminded Mr. Fisher the town did not reduce density requirements for having municipal water. Mr. Fisher was aware. When Joe Heuston asked if the development would have common land, Mr. Fisher said it would as it was a PUD.

The Chairman thanked Mr. Fisher for coming in to update the board, and Mr. Fisher thanked the board for its time and input.

**3. Review and Approve Minutes:** The board reviewed the minutes of the January 2, 2023 meeting. Motion to approve the January 2, 2023 minutes made by Mike Galante; seconded by Joe Heuston. Vote: All in favor. Since some members had not had time to read the January 17, 2023 minutes, it was decided to leave reviewing them until the next meeting.

The January 17 minutes elicited a question from Kevin Bennett, who had not attended the meeting but had read the minutes and said he was a little confused. Mr. Bennett asked whether the entire water system for Block G was going to be in place, including the tank and hydrants, before any approval was given. The Chairman attempted to explain a little but said to stay tuned as nothing had even been submitted or decided yet.

**4. Mail and Other Business:**

- Kevin Bennett commented that years ago, the town only allowed two houses to be built on a single driveway. He said that number had since been increased to three and while he saw the benefit of that if it was a family who owned a large piece of land, we were now seeing big density with people putting in as many houses as they possible can and selling them for a million dollars. He cited the last project discussed as a good example of this and said none of those homes would likely be affordable housing. Mr. Bennett said he would love to see it go back to two houses on a driveway. The Chairman asked what the land was like in the subdivision mentioned by Mr. Bennett and wondered if they could they get that many houses in there. David Shedd said it was very good soil which would not limit development. He felt they probably had to increase the number of houses to offset the high cost of building the town-spec road.

There being no other business, the Chairman called for a motion to adjourn. Motion made by Michael Galante, seconded by Joe Heuston. Vote: All in favor. The meeting adjourned at 7:10 pm.

Respectfully submitted,  
Barbara Bush  
Recording Secretary