

**TOWN OF BARTLETT  
PLANNING BOARD  
56 TOWN HALL ROAD  
INTERVALE, NH 03845  
603-356-2226**

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**PUBLIC MEETING**

**JULY 1, 2024**

**6:00 p.m.**

**Present:** Scott Grant (chair) David Patch (Vice Chair) Davis Shedd, Kevin Bennett, Joe Heuston, Vicki Garland (Selectmen Representative) Michael Galante, Pat Roberts (1<sup>st</sup> Alternate)

**Absent:** Phil Franklin (2<sup>nd</sup> Alternate)

Meeting called to order by Scott Grant (Chair) at 6:00 PM

**1.Pledge of Allegiance-** led by Pat Roberts

**2.Discussion of application:**

- **Cedarcroft Farm LLC (Map 1THORN/Lots 54L00 and 42L00)-** Project involves subdividing the existing farmhouse into a separate lot Boundary Line adjusting an area of land to lot 42L00 and subdividing the remainder of lot 54L00 into a 33-unit PUD. Before the presentation David Patch (Vice Chair) asked the board if they wanted him to recuse himself. Reason was he was an original abutter to this project but he is no longer an abutter. Scott Grant (Chair) welcomed Pat Roberts to the board as an alternate and stated if the board wishes David Patch to be recused then Pat Roberts can vote. Pat Roberts is to attend the meetings from now on. Comments from the board: Motion from David Shedd and seconded by Joe Heuston that David Patch will stay for the project vote: Unanimous for David Patch to continue. Presentation by Andy Fisher. From Ammonoosuc Survey. He reported the easiest is the boundary line adjustment of approximately 1 acre to be given to lot 42L00 including the existing barn on the farmhouse property. David Patch queried that there is enough frontage but when you create the new

lot obviously there is enough septic for the house that is there, is there enough for the houses going there? Any Fisher responded yes all of the septic loading capacity and density of the 33-unit PUD is after the land is given away for both the subdivision and the boundary line adjustment for the farmhouse. David Shedd wanted to know if the boundary line adjustment would be its own lot. Andy Fisher responded no because it does not meet the requirements. There is no intention for it to be considered a new lot of record. And it is stated on the plan that it will not be a new lot of record. It is just to increase the land area for the neighboring lot. The majority of the area on the Thorn Hill side of this project is not great land- it is pretty steep coming down from Thorn Hill Road so it made sense to separate the land most adjacent to Thorn Hill Road. That is why we were hoping to separate the farmhouse onto its own lot and then the additional area to be part of lot 42L00 to expand that lot. Kevin Bennett asked if the barn was the structure with the roof caved in. Andy Fisher responded that the shed is in bad shape and there is no car in the shed. The barn is in better shape. Kevin Bennett asked what the plans were for the shed and will it get cleaned up? The state of New Hampshire looks at the shed as a dilapidated building and there are fire studies on that and you are handing it off to a new property owner. His question is what are the plans to clean it up? Andy Fisher responded he was not aware of any plans at this time. Kevin Bennett replied that there is a building that is dilapidated and who knows what was in the shed at one time. There was a car and who knows what else is in there. He stated the building should be taken down. Andy Fisher responded that he did not have the information at this time and he apologized. Joe Heston asked about the land above the property that is to be part of the boundary line adjustment. Andy Fisher replied that right now there is one lot 42L00 as its own lot everything else belongs to Cedarcroft Farms. That area will be coming out of the larger parcel of land to be its own lot and will have nothing to do with the project. It will be a new lot of record and has its own septic installed in 2021. David Shedd asked how many bedrooms does the house have. Andy Fisher responded - a 5-bedroom septic capacity. Joe Heuston asked if the lot with the shed its own separate lot? Andy Fisher responded the lot with the shed goes with the farmhouse. That would mean that the shed would be on the same lot as the farmhouse. It would become a separate lot as part of this process. It isn't now. The lot below-42L00 is its own lot at this time. Joe Heuston asked if it was a 2-lot subdivision or a 33- unit PUD? The plan is a contradiction. Scott Grant(chair) clarified it would be a 2-step process here. We have to do one then the other- technically this could be two different applications but correct we are doing two different steps. Scott Grant(chair) queried the board as to the

possibility of a motion from them to do this now- the farmhouse subdivision or should we do it later down the line? Andy Fisher responded it would make sense if it could happen soon that would be great and if the board wants to separate the plans, he would be happy to do that to. Scott Grant asked the board regarding how they would like to proceed on this application. David Patch and Michael Galante requested that the plans be separated into two separate actions. Motion by David Patch and seconded by Joe Heuston to separate the farmhouse from the PUD. David Shedd stated there is actually a boundary line adjustment. Scott Grant stood corrected as the boundary line adjustment should be done first. Question from the public- Scott Grant (chair) let the public know that this was just the board on the farmhouse boundary line adjustment not the 33-unit PUD. Chair allowed Norman Head from the public to ask a question. His question was regarding the plan- the plan stated it was a subdivision and why is it being treated as a boundary line adjustment which is much easier? Andy Fisher responded there is a boundary line adjustment which is one part of the project. Then there is a 2-lot subdivision and then there is the 33-unit PUD. So, there are three separate aspects. Norman Head asked for clarification of which piece of property went with each project. Andy Fisher clarified the land above Lot42L00 would become part of lot L42L00 and this would be a boundary line adjustment. The proposed new lot would contain the farmhouse and the rest the 33-unit PUD. That would be a subdivision. Scott Grant (Chair) clarified there are actually three separate items to accomplish. And asked the board if they were clear on the actions. Peter Gagne (Abutter) asked from the floor if the shed is within the setbacks? Andy Fisher responded that the shed was within the setback but so are all the buildings along Thorn Hill Road. Scott Grant (chair) again clarified we have three actions- Boundary line adjustment, 2-lot subdivision and 33-unit PUD. Peter Gagne(abutter) asked again about the setback in regards to the shed. David Patch (vice chair) asked in clarification if he was talking the side line setback. David Shedd reported that as a condition of approval the shed must be removed and that will solve the issue. David Patch and Scott Grant concurred. Scott Grant (chair) clarified that the shed removal is not part of the boundary line adjustment but the 2-lot subdivision which is the next step. The previous motion made by David Patch and seconded by Joe Heuston was rescinded by both (Motion: to separate the farmhouse from the PUD). David Shedd wondered if the board wanted to look at approving this all at one time rather than approving the boundary line adjustment and waiting for things to be resolved and approving that component. He advocated for the board to do the approval all at once since the shed is really a fire hazard. Andy Fisher responded

that removing the shed is an easy fix. David Patch stated the board really can't do a boundary line adjustment as the shed is non-conforming and should be removed by the next meeting. Scott Grant (Chair) asked the board to consider a motion to accept the application. David Shedd asked if the board was to discuss the PUD. Scott Grant (chair) clarified that the board has to accept the application before there is any discussion. Motion made by Michael Galante and seconded by David Patch to accept the application Vote Unanimously approved. Scott Grant (chair) opened the discussion to the board. Andy Fisher presented that this is a big project- there are 33 units of which two buildings will be duplexes. So, it is not 33 actual houses. There are things to be done which are in the works as far as permits. He reported that he was before the board to discuss this as a concept and now he is here to officially discuss the project. The road will be up to town standards, there are two significant wetland crossings and all of the permits and the wetland permitting is in the process. The alteration of terrain permit is in process (a copy of the application has been dropped off at Town Hall) along with the engineering of the road and all of the drainage associated with an entire development is in the works. The entrance will be on Route 302- originally this property had a right of way through the Young property but for safety reasons it was a better choice to move the entrance a bit south. It improved the wetland crossings and it also brought the entrance of the development away from the Young property. Essentially there will not be a shared driveway with the Young property. Andy Fisher reported he had preliminary approval from DOT for the primary entrance location. All of the houses except the duplexes are single 3-bedroom homes with individual septic systems and as of now the Lower Bartlett Water Precinct will supply water. Peter Gagne (Abutter) from the floor asked if there were plans for the public to view stated unless you have your own plans it is difficult to see. Andy Fisher responded he did not bring plans for the public. Scott Grant (Chair) Asked Vicki Garland (Selectmen representative) to ask the school for an easel. A plan was passed to the public for them to look at. Vicki Garland (Selectmen Representative) stated she saw the driveway that runs off Route 302 and it looks like all the units have access to it. On the other side of Thorn Hill Road, we have this farm road that runs right into unit 8 is it? Will the development have access to that road and also is there anything that will prevent them from driving on it- is it a non- passable road at this point? Andy Fisher responded that it is a non-passable road- he certainly would not drive his truck on it. Vicki Garland (Selectmen Representative) asked if people can access the property from that farm road. Andy Fisher responded no vehicular access at all. If people wanted to walk it as a pedestrian they could. David Shedd- stated he

understood that Ammonoosuc Survey had preliminary approval from DOT. Andy Fisher clarified he had a picture on an email from DOT but it is the engineers who are dealing with DOT. He would be happy to show David Shedd the email picture. David Shedd declined. He stated he had a concern regarding traffic and it being a difficult situation of cars coming down the hill into an area and turning into the development with the 33 homes and with the right side of the ground rises up. With all the trucks that will be going in there over the next few years a car coming down the hill turning left will back traffic up. Does the DOT feel that they can put a passing lane out around that turn so that cars wanting to turn will allow other cars to pass around them? Andy Fisher responded he believed that DOT feels there is no reason to put a passing lane in. Scott Grant (chair) had to admonish the public at this point to be quiet and stop the discussion stating this is the board discussing the issue as it is the first time they heard about it. He reminded the public that they will have their turn. He turned the discussion back to Andy Fisher. As per Andy Fisher he stated that the DOT in his experience do not give official permits until the project get approved so what they would do is a preliminary DOT approval. We will be in communication with DOT to get a number. For what it is worth we would not have gone through the process of designing the entrance where it is if the DOT had not given their approval to move the driveway or curb cut down. He would not expect the board to approval the project unless he had certainty from DOT. David Shedd asked when the 4K areas and the septic systems were on the plans as he did not see them. Andy Fisher stated there is a plan set with the 4K areas and test pit locations. He opted to a set of plans rather than place all the information on one plan. However, the plan presented he thought gave the clearest prediction of what the whole project was. Scott Grant (Chair) mentioned that he hoped there would be more detail at the next meeting. Andy Fisher replied he will bring a full plan set for everyone in the future. Scott Grant (chair) opened the meeting to the public at 6:25 PM asking them to state their name and where they are from. He asked the public to come one at a time. Peter Gagne (Abutter) He asked if the former Patch land was merged into this lot? Andy Fisher replied no. Peter Gagne (abutter) replied you need to merge that lot first before you can do the PUD. He believed in Bartlett you may own both lots but if they are adjoining you have to meet setbacks. So, if you put a road through there you have to meet setbacks on the back end. Andy Fisher asked him for clarification of his question. Peter Gagne (abutter) stated that if you put a road through the Patch land to access the rest of the land there were setbacks. Andy Fisher stated he was not sure what Peter meant. Peter Gagne (Abutter) quoted a court case where the town went to court and sued an

owner because he owned both lots but he excavated in a setback. He felt the application was not complete because it needs to have the Patch lot worked in. However, he conceded it was only his eyes and he was not a professional. The second question was he would like to see a traffic study because if you have like 35 houses in there 2-3 bedrooms most likely they will be STR's. Andy Fisher replied he was not aware if they will be STR's and that is not for him to say. Peter Gagne(abutter) replied that STR's get more traffic than not and he was unable to figure out where the driveways are. Andy Fisher replied the plan presented was not the subdivision plan. Peter Gagne (abutter) replied that was fine and told the board he would request copies of everything as an abutter and he would have someone else look at them just as a double check to make sure of the soundness of plan. Peter Gagne (abutter) asked about run-off was that calculated anywhere? Because he lived there, he knew the property better than anyone and he knew the left side in the springtime is basically a river. Andy Fisher replied that they are responsible to handle all of the drainage and it is being taken care of. Peter Gagne (abutter) stated he looked at the ordinances and asked what the setback was from a wetland for a building? Andy Fisher replied it is 20 feet from standing water. Or ground water not wetlands. Peter Gagne (Abutter) pointed out that the setback is not the runoff from the springtime coming through not standing water. So technically these houses could get wet. Andy Fisher replied many things could happen. Peter Gagne (abutter) asked about street lights? Are they indicated on the plan? Andy Fisher replied that he did not recall street lights being part of the subdivision requirements. He indicated he was sure there will be streetlights in the development. Andy Fisher again replied that he did not believe that streetlights are part of the subdivision requirements. Peter Gagne (abutter) replied he was concerned because he would be looking down at a "city". Vicki Garland (Selectmen Representative) stated that zoning does address lighting though so whether it is part of the plan or not you still need to meet zoning regulations with lighting. She also stated that zoning does address how lighting impacts the people around them including the abutters. Andy Fisher responded certainly and any lighting that is installed will have to meet zoning standards. Scott Grant (chair) clarified for the public that Andy will put in the 4K areas and other things. The road he thought would be engineered as a town road and the plan will go to the Selectmen and Burr Phillips (Town Engineer) and they will go through this with a fine-tooth comb, just like he is doing across from The Golden Apple. The projects are similar and it will take a while. The road standards and the building inspections are the purview of the Selectmen's office. The Planning Board is here to make sure all the T's are crossed and I's are dotted

in terms of the rules. Peter Gagne (abutter) asked before the Planning Board rules on this project will Burr Philips say yes, I agree with the plan or no I don't. will he be here to answer any questions? David Patch (Vice-chair) answered that Burr Philips will look at these plans, check them against the regulations and make a written recommendation as to what needs to be fixed. A copy of these recommendations will be a matter of public record. Peter Gagne (abutter) answered perfect. He went on to state that there will be drainage ponds and common areas but he did not see retention ponds or anything like that. Andy Fisher responded that there will be things like that and it will be on the drainage sheets. Peter Gagne (abutter) asked if the farm road would it be used at all? Andy Fisher replied not at all. David Patch (Vice chair) stated that we will have time to take care of the boundary line adjustment. Julia King (non-abutter) Asked that all members of the board and audience speak up as there are members in the meeting who are hearing challenged. She asked Pat Roberts as the former fire chief regarding a safety issue and the law as she understood there is to be one road in off Route 302 and there isn't another road out onto Thorn Hill Road. She questioned dumping all that traffic onto Route 302 and if there was an emergency would that be problematic? Pat Roberts (1<sup>st</sup> alternate) replied he cannot reply as the fire chief since he was no longer the fire chief. Julia King replied then as a safety standard? Pat Roberts (1<sup>st</sup> alternate) replied that two ways in and two ways out make sense. For example, if a tractor trailer broke down at the driveway the people could not get out. Julia King reported that there is a bottleneck there whenever it is tourist season. Julia King (non-Abutter) stated this is to be a PUD and since she lives in a PUD, she had a question regarding density calculations and that they seemed high because of the septic. She clarified that if the sewer came to her house, she would have approximately 10 acres of land in that PUD that could possibly be developed. She asked what about this development? If the sewer came here how much land is still available to be built on? David Patch (Vice Chair) answered that no way to know because if sewer were to come here it would be because of legislation. There are some proposed bills out there that says if sewer comes to an area like Bartlett the state may have the right to double the density. The bills have been defeated so far. Julia King reported that the town attorney Mr. Ratigan came to the meeting in June and he reported that if the property was outside the boundary of the Lower Bartlett Water Precinct, they do not have jurisdiction. The people can elect to sign up for sewer but they don't have to so as you say it would have to be legislation. She stated she did not think the legislature of New Hampshire or at least she hoped they would not have the will to impose that kind of legislation.

She asked Andy Fisher if the land was good land to build on? Andy Fisher replied the short answer is no. He replied that if sewer were to come then people could elect to hook up and not have septic's or not but he could not tell us how it would affect the project. He stated it would not be practical to throw in twice as many homes. David Shedd stated that what he had to say did not answer the question but spoke to it. The Town of Bartlett allows 114 bedrooms on this lot and the plans are asking for 99 total. Julia King (non-abutter) stated she was looking to the future regarding sewers that the plans could ask for 14 more bedrooms and that would be in the town of Bartlett density calculations. Scott Grant (chair) replied he could speak regarding density. Right now, Lower Bartlett Water Precinct has elected to run sewer in this part of town. They are unable to extend the sewer line past the precinct unless approved by the voters. Later on in this meeting the board plans on discussing running sewer outside the precinct. He reminded people that the Town of Bartlett is stricter on septic density than the state (the Town of Bartlett is 75% capacity whereas the state is 100%). As an example, if the state says you can have 4 bedrooms on a lot the Town of Bartlett states you can have 3 bedrooms. So right now, the plan is based solely on the Town of Bartlett sewer regulations. Joe Heston asked if the plan is for a 33-unit PUD and areas marked as common use. He asked who controls the common use land? Julia King stated that a PUD has a HOA and the members of the PUD can decide what to do with the common land. Joe Heuston stated the plans only call for a 33-unit PUD and if approved that is all it is for. If there were to be changes, they would have to re-appear in front of the Planning Board. Julia King stated she hoped in the Planning Board deliberations they would consider the two ways in and the two ways out of the development. Vicki Garland (Selectmen Representative) stated to Andy Fisher regarding the road that he came to the Selectmen with a different idea for the road and they made suggestions regarding plowing, safety and fire trucks and you made those changes. Andy Fischer replied yes. Jason Young (abutter) asked about the easement asking if the new development would have access to the easement? Andy Fisher replied no there was no reason to and will remove the easement from the future plans. Terry Obrien (abutter) She wanted clarification as to how many bedrooms were in the duplexes? Andy Fisher replied three bedrooms each. Terry Obrien (abutter) asked if anyone know what the units will sell for? Andy Fisher replied he had no idea. Scott Grant (Chair) clarified that just for the record it was not represented as anything affordable. Julia King replied from the floor that when the town attorney presented to the boards and the question came up regarding affordable housing New Hampshire has no legislative vehicle to control rent it is all based on

the market. Mary Anne Taylor (abutter) stated she lives on Pear Mountain of which there are 11 units she thinks and some are not full-time residents. When she wants to get her mail and she get to Route 302 and Pear Mountain Road she has to wait 15-20 minutes to turn left. She felt that with an additional 30 homes who may want to go to North Conway for groceries etc. you will need more than one exit. Vicki Garland (Selectmen representative) replied that the state limits the curb break. She reported the state has turned down development of parcels along Route 302 because they are not allowing more than one curb break. This is not within our local control. Andy Fisher replied that the state would not give more than one curb break for this project. Mary Anne Taylor (Abutter) wanted to know what the units would look like? She asked if they would be similar to the ones going up in Intervale? Andy Fisher replied is the intention is making them look beautiful but he did not have the specifics on that. Scott Grant (chair) clarified that the development is not complete in Intervale as vegetation has to go back however the board is trying to figure out what is acceptable or not in the plan and the look of a development is not within the board's purview. Andy Fisher concurred that traffic is an issue and coming back to the previous comment about the turning lane there is ongoing discussion with the DOT regarding that point. David Shedd came back to the point that was made regarding the DOT not approving the permit until the Planning Board approves the plan. Andy Fisher replied that the DOT will not give a final driveway permit until the plan is approved. They will give us a preliminary driveway permit and what we have now is a confirmation from DOT that yes this is a good location for the driveway. They are allowing us to move our curb cut to the present location. He expressed understanding to the boards reservations and will try and get written approval from the DOT as soon as possible. He would expect the board to only approve the plan when he has certainty from the DOT on the driveway. Doug Taylor (abutter) stated they have connections in Nova Scotia and last year in May 2023 they had a series of wildfires outside of Halifax. There was a subdivision similar to this and they were trapped in the subdivision because they were unable to get out. Just a comment regarding the need for a second entrance. Norman Head (abutter) spoke about the second entrance. Much talk has been about the traffic coming downhill but what about the traffic from Dunkin Donuts or 16A? All I can say is you are between a rock and a hard place because I don't think the state will give you two. What is the maximum distance that you have with the Patch piece? Andy Fischer pointed out on the plans where the entrance is supposed to go and showed Mr. Head the amount of frontage that they have. He also reported he did not think that the DOT would allow two

entrances. Norman Head (abutter) mentioned another development that had two entrances that were approximately 200 feet apart. Andy Fisher responded that the development had a driveway permit and the other property had a driveway permit from back around 1981 he believed. He showed Mr. Head on the plans that the people who own one of the lots own three other lots two lots going up and there is a total of two driveway permits one is up by the Sunrise Shack and one further down. That is what the state is allowing. Mr. Head stated he did not understand with that amount of frontage the state would not allow a second driveway. Andy Fisher stated he would not speak to the state's rationale behind the decision but this is what they got. He has been working with the DOT for two years and tried to get a second entrance but the state limited it to one. Scott Grant (Chair) asked to summarize the comments and asked if it was possible to get an entrance up to Thorn Hill Road. Andy Fisher responded no. The owners originally wanted to come in off of Thorn Hill Road but it is not feasible. Norman Head (abutter) asked Pat Roberts (1<sup>st</sup> alternate) had he ever seen a project as this one approved with only one entrance? Pat Roberts (1<sup>st</sup> alternate) responded I don't know. Peter Gagne (abutter) asked two questions- could the board request a traffic study and before you purchased the Patch property your original driveway was coming in from the top of the Young property could both be used now and you lose a house for a second entrance because you have an easement? Andy Fisher responded that they gave up the previous driveway permit, the private easement still exists but will be taken care of. The driveway cut was moved to the Patch land. David Patch (Vice Chair) stated it has been very difficult to get two entrances in any housing development even smaller ones. The state has been very stingy regarding the curb cuts. Andy Fisher reported that he has a smaller development on Route 302 but has a similar road layout- it is three separate lots of record and the plan from the DOT was one driveway for the three lots. Katie Young (abutter) reminded the public that they are talking about using her driveway in their comments. She stated the development is right next to her driveway. Chris Fithian (Conservation Commission) reminded the public that the alteration of terrain permit referenced is currently in the open comment period till Thursday (July 4, 2024) and the commission is only accepting your written comments till then. He circulated a written letter to the public for information.



Alteration of  
Terrain Permit letter

Scott Grant (Chair) asked the board their opinion as to resolving some of the issues with the project with a vote tonight or postponing it till August 5, 2024 in another public discussion. David Patch (Vice Chair) replied that people are having issues and questions regarding the project and it would be good to postpone any decisions till the next public hearing. Motion made by David Patch seconded by David Shedd to extend the public comment until the August 5<sup>th</sup> meeting. Vote unanimous. Scott Grant stated to the public that next month we should have the 4K areas and plans with more information on them. Public made aware of the hours of the Planning Board/ZBA clerk -Monday 10-6, Tuesday 10-2 and Thursday 10-2. The doors are locked at 4 PM on Monday so if the public needs to see a plan after that time please call and let the clerk know as they will be met at the door. Phone number also provided.

- **Denise Russo Trust (Map 3Rt 302 Parcel 273L00)**- Continuation of discussion re 3-unit PUD. Andy Fisher (Ammonoosuc Survey) presented. Scott Grant (chair) asked the board from the last meeting is the only thing needed state subdivision approval? Andy Fisher replied the only change to the plans is the addition of the subdivision approval number. Joe Heuston asked about the 66 foot right of way was it going anywhere? Andy Fisher replied it had nothing to do with his project. Joe Heuston asked about the setback from the road- the house has a 40-foot setback from the center road and even though it is a town right of way and not a road the house still has to abide by the ordinance-right? David Patch (Vice Chair) clarified that it is a piece of property and not a road so the criteria would be the setback from the outside boundaries of the 66 feet or more than 40 feet from the centerline or 15 feet in the residential group. This is 15 feet from the property boundary. Since there is no road that is all we can deal with for now. If a road goes in then a new building would have to conform to the ordinance. Since there is no road, we use the sideline boundaries for your setback. Joe Heuston asked about a well that is 75 feet away. Andy Fisher replied yes- actually it is 100 feet away. Further clarification -plans show actually one shared well and one separate. The wells were the toughest part of the project. Motion to approve by Michael Galante seconded by Kevin Bennett to approve the Denise Russo Trust 3-Unit PUD. Vote unanimous.
- **One Hutchinson Dr. LLC (Map 4MTSUR/Lot 30R00)**- Continuance- proposed two-unit PUD subdivision Andy Fisher (Ammonoosuc Survey) presented. Not much to report still waiting on state subdivision approval. Andy does not anticipate any changes to the plan. The last questions from the state are addressed on the new plans but they are awaiting them to respond. State asked for the plans to show

test pit information on one of the two existing systems. We had the locations and approval numbers but they wanted the test pit information which was then provided. David Shedd asked why are there two systems? Andy Fisher responded he believed that one of them is from the early 90's and the second one (directly downhill) is from 2021. He stated both are active. He did not know if there was an extension to the Inn at some point. He also stated there is a third system somewhere not in use. These two systems are active and satisfy the Inn's 10 rooms and inn keeper apartment. He is unclear as to why the new system went in maybe because the old system was failing or the inn had concerns about it. David Patch (Vice Chair) asked regarding the total gallons per day he stated that the state allots 5267 gallons/day and 3875 gallons/day is the Town of Bartlett's allotment however the plans indicate that 1875 gallons/day is the actual combined use. Motion made by David Patch seconded by Vicki Garland to continue the application to the 8/5/2024 meeting vote unanimous.

- **Jason Brown (Map 2RT302 Parcel 161L00, 165L00 and 170L00)**- update regarding application. Andy Fisher Ammonoosuc Survey presented. Still awaiting final approval on the Alteration of terrain permit and Burr Philips final approval. He addressed what he could on the checklist and then had the proper engineer address the other issues. He believes all of the issues were resolved. These are the last approvals- he already has subdivision approval, shoreline permit, driveway permit is completed. Michael Galante Vicki Garland seconded motion to continue the application till 8-5-2024 vote unanimous.

**5. Review and approve minutes of June 18, 2024 work session - Clerk** made the board aware that the sentence by Vicki Garland regarding bills and holding payment that was in the draft minutes was removed by the clerk because she was unable to write the sentence so it made sense. Vicki Garland clarified that the Selectmen run a tight budget and once they hit December and we are getting large bills we ask the vendors/people who are willing if they would wait till after the first of January to get paid. It is not something we do on an ongoing manner. Motion to accept minutes from June 18, 2024 as written made by Vicki Garland Seconded by David Patch Vote unanimous

#### **6. Mail and other business**

- **David Bartlett**- Tax Map 5VILLG-CEN-70- Informal discussion regarding separation of plot 3 from plots 1 and 2. David Bartlett presented. He is speaking of the property directly behind the fire house- Central Street and Grove Street. The lot in question is number 3. His main residence is on the left of lot 3 on Central Street around the corner. On the picture the house he has been construction on GRO20 and his circumstances require him to sell that home and lot. What he is trying to do is bisect the property so the deed for the property encompasses lot

3 separate from lots 1 and 2. David Patch (Vice chair) asked a question regarding the structures drawn on the map. David Bartlett replied that on the drawing there is an existing barn which is original and there is a new home being built. There is a lot (number 100) that is non-buildable. David Shedd asked for clarification if this was a subdivision? David Bartlett was not sure of the terminology but stated he only wanted to isolate the lot and it looked like it was subdivided already. Scott Grant (chair) asked if all the properties were under Mr. Bartlett's name to which Mr. Bartlett replied yes. David Patch (vice chair) stated that if you take property away from a lot you cannot reduce the septic ability of a lot to where the septic is not usable. Mr. Bartlett replied the septic is already installed and the septic approval does not come over the imaginary line we were discussing. Vicki Garland read the highlights of the letter the Selectmen wrote to Mr. Bartlett on June 5, 2024. Letter contained in minutes. David Shedd let me Bartlett know he was on the list for Friday for a test pit. Discussion with David Patch (Vice chair) and Mr. Bartlett regarding minimum land requirements and what happens when land is taken from one lot to another. David Patch (Vice chair) let Mr. Bartlett know when the test pit is dug, they would be able to tell him exactly how much land he is able to divide out to another plot as appropriate. Scott Grant (chair) informed Mr. Bartlett to wait for the test pit and get what information he can and then proceed as appropriate. He will need to get a surveyor in to make sure he has enough property to do whatever he wants to do.

- **Selectmen letter:** re legal counsel see letter attached



Selectmen Letter re  
legal counsel.docx

- **Septic systems-** Davis Shedd stated with the letter that was sent and the guidance it was clear the board cannot contact the attorney directly. However, in regards to what the town attorney stated in our meeting that we have a clear discussion regarding the municipal sewer system and expansion of the system. He asked if the board could get a copy of the franchise agreement between the town and water delivery outside the precinct. The reason is the attorney stated in his language that water cannot be expanded which it already is. So, unless we have a clear idea of the language, we cannot be saying there is no expansion of water if it is already expanded and the town already agreed to it. He would like the lawyer to write it up fairly clearly as to what we would be looking at as far as an ordinance change. We ultimately have to write it but ultimately it would be goof if he wrote it and we adjusted it to what we felt it is. His concern is that the

attorney put the water and sewer combined. David Patch (Vice chair) concurred with David Shedd that the attorney should write verbatim exactly what the change should be to accomplish what we want to accomplish. It was requested that the clerk obtain the language of the franchise from the AA to the selectmen and if the AA does not have it to try from the three commissioners of the precinct. Scott Grant (Chair) stated that the lawyer had language regarding the timing of an ordinance moving forward and when the clock starts to tick. Pat Roberts (1<sup>st</sup> alternate) stated the sooner the better as it is not law but it takes effect until the people vote on it. Scott Grant (chair) would like to have a draft ready for August so a public hearing could be called for in September. If the public wishes to change the ordinance later that's ok at least we are ahead of the game. Vicki Garland (Selectmen representative) asked how soon can something be posted before a vote? For example, could you post a change the day after a town meeting and have it been in effect till the next town meeting? Peter Gagne (abutter) stated there is a 6 month look back period from the time of the vote. Vicki Garland (Selectmen representative) will be pursuing to revise the ordinance that the attorney (Mr. Ratigan) proposed on sewer as soon as possible. David Shedd voiced concern that the franchise agreement language is important to have because if the agreement contains language for water and sewer that could be a complication moving forward. Pat Roberts (1<sup>st</sup> alternate) clarified that if the language of the franchise agreement already stated water and sewer and the town is not aware it is already a done deal. David Shedd stated that whatever the ordinance the attorney writes out he has to understand what the franchise agreement language is.

- **Cell phone booster memo**- memo from Mary read and added to the minutes.



Cell Phone Booster  
at Town Hall 06-25-2

- **July 16, 2024 meeting**- Discussion by the board Motion by Michael Galante seconded by Kevin Bennett to cancel the work session of July 16, 2024 vote unanimous.
- **Cedarcroft Farm**- At the end of the meeting Peter Gagne (abutter) was still present and asked if there would be another application for the merger or boundary line adjustment for the Patch property? And would a public notice be made? David Patch (vice chair) clarified it would be a voluntary lot merger so it is not a public notice. Peter Gagne (abutter) asked if you go to the website could this be on the agenda so that you do not have to download to see when the meeting is. Scott Grant (chair) reminded Peter Gagne (abutter) that all meetings

and what will be discussed is posted in Patches and the Bartlett Post Office. Also reminded it is posted in the Conway Daily Sun. Peter Gagne(abutter) asked if Burr Philips would be here to answer any questions. Scott Grant (chair) stated probably not because the plans in a nice tight package will go to the Selectmen then Burr Philips to look at and make their comments as to what needs to be done/corrected. Peter Gagne(abutter) asked for clarification regarding lighting code (Dark sky) and the alteration of terrain permit (who looks over that- is it Burr Phillips?) Scott Grant (Chair) made him aware that lighting is under the prevue of the Selectmen. David Patch (Vice Chair) clarified it is Burr Phillips that looks over the alteration of terrain permit. Scott Grant (chair) reminded Peter Gagne (abutter) that the plans will look different next time because they should have the 4K radii on them

**7.Next meeting: Working Session July 16, 2024 (cancelled) next public session August 5,2024**

Motion made by Vicki Garland seconded by David Patch to adjourn Vote: unanimous to adjourn at 7:57 PM

Respectfully submitted  
Louise B. Burns  
Planning Board/ZBA Clerk  
603-356-2226



Planning Board  
sign in 07-01-2024.d



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