

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

AGENDA

APPROVED MINUTES PUBLIC MEETING

September 5, 2024

Present: Scott Grant (Chair) David Patch (Vice Chair); Vicki Garland (Selectmen Representative), Michael Galante, Joe Heuston, David Shedd, Kevin Bennett

Absent with notice: Pat Roberts (1st alternate)

Absent: Phil Franklin

Meeting called to order by Scott Grant at 6:00 p.m.

1. Pledge of Allegiance

2. Discussion of application:

- **Cedarcroft Farm LLC (Map 1THORN/Lots 54L00 and 42L00)**- Continuation of project: (a) involves Lot merge between Tax Map 1RT16 Lot 285R00 to 1THORN lot 54 L00 which is owned by Cedarcroft Farms LLC; (b) BLA between the Martyn (Robin and Todd) land Tax map 1THORN lot 42LOO and Cedarcroft Farms LLC Tax Map 1THORN lot 54 L00; (c) subdivision of the property owned by Cedarcroft Farms Tax map 1THORN lot 54L00 into the 33 unit PUD. FYI AOT permit needs additional information- Andy Fisher presenting. He stated they are getting close to approval for wetlands permitting and the alteration of terrain permitting is moving forward. Burr Philips has received our engineering plans. The only change is that there is a possibility of adjusting more land from Tax Map 1THORN lot 54LOO to the Martyn's around the back to provide a little more of a buffer. He asked the board for their opinion would this be a substantive change or not really a big deal. David Patch stated he felt it could be done with a boundary line adjustment if there is enough land for all of the rest of the development. Andy

Fisher replied that he felt there was sufficient land to provide a buffer without changing any of the plans for the big subdivision- there is enough for excess density. They would make sure that with any adjustment there would be enough land to not adversely affect the whole project. David Shedd had a question regarding the falling down shed not meeting setback requirements. Would we have to deal with that shed before the boundary line adjustment goes through because we are creating a new boundary? He does not see how the board could approve the boundary line adjustment until the shed is removed. He also asked if the property on 16/302- does the applicant own that lot also? Andy Fisher replied in the affirmative- that is where the access is. David Shedd stated that Mr. Gagne made a pretty good recommendation and the board cannot go to far with an approval. You can't run a road over a boundary so those lots have to be combined in a lot merger and asked what was holding up that process? Andy Fisher replied that it is essentially paperwork. David Patch stated you cannot have a town road cross other people's land. Andy Fisher replied that this is not a town road but a private driveway built to town road specifications. Scott Grant clarified the four steps that are needed to be done- it is important to voluntarily merge the lots. Andy has to do the paperwork to do that. David Patch stated that we can do a voluntary lot merge at a work session because it is all owned by the same person and the deeds are in their name. He also stated that subdivisions and public hearings have to be a Monday meeting. However, a voluntary lot merge or a boundary line adjustment can be done on a Tuesday meeting. Kevin Bennett asked what was new with DOT? Andy Fisher replied that the reviews are ongoing. Kevin Bennett had a comment regarding the specifications from the DOT. He is not sure if the town or DOT is dropping the ball. He noted in the past that there have been a couple of roads that became town roads and if you look at the DOT specs there is supposed to be a streetlight at the corner. There have been several projects where the streetlight never went up. He looked at the crosswalks in North Conway and noted they are not up to spec. There should be a streetlight on both sides and the crosswalk should be lighted. No wonder why people are getting hit. I brought this up to make sure that you are aware of the specs and follow through. Andy Fisher replied that it was a good point and he would expect that the DOT will hold us to all of their requirements. David Patch stated that when he got a driveway permit up north that DOT cared that their regulations were followed and did not care about local requirements. David Shedd quoted the headlines in the Conway Daily Sun today that DOT basically told people they have to live with the median in North Conway. There is a lot of finger pointing regarding mistakes that were made. We will have a similar

situation in terms of a car making a turn and there is not enough room for cars to pass therefore holding up a long line of cars. The DOT may have their own ideas but I want to make sure the planning board asks that question deliberately- is this adequate? I do not want people coming back to us stating "Why didn't you tell us?" Andy Fisher asked for clarification regarding the statement is this adequate? Scott Grant explained about the cars coming down the hill and turning into Cedarcroft. David Shedd clarified there has to be enough room on the road for traffic to pass the car wanting to turn left into Cedarcroft. He concurs it is DOT's decision but he would like to see something in writing from DOT saying that their plan as it comes about is adequate. He did not want the board to be blamed for not paying attention. Andy Fisher stated that he cannot answer for the DOT but he did not imagine that DOT would call him on the phone and just say you are all good now. He was confident there would be a paper trail. But he conceded he was not the DOT and cannot speak for them but every other driveway permit he was involved in there has always been paperwork. And the driveway has to be built to their standards and the DOT comes out to check. Scott Grant summarized that Andy Fisher will send in paperwork for a voluntary lot merger and as soon as you get that in, we can do that if we have a work session if not, we can do that next month. Joe Heuston asked for clarification regarding the garage. Scott Grant clarified there are actually two garages- one up on Thorn Hill and one near Chandler's place of business. They both have to be taken down. Scott Grant asked when the garage on Thorn Hill will be removed? Andy Fisher stated that last conversation he had with the owners was they were having conversations with the neighbors as to if there is anything worth salvaging in the garage. Scott Grant stated the public hearing has been closed but invited the people who were there for their input. Paul Doucette (son of Robin Martyn) spoke and stated that he was not interested in anything in the building. He will speak to the owner again and figure out how to get rid of the garage and this way we can move forward on the boundary line adjustment. Motion made by Michael Galante seconded by Vicki Garland to continue the application to October 7, 2024 Vote: unanimously approved

- **Jason Brown (Map 2RT302 Parcel 161L00, 165L00 and 170L00)**- update regarding application Andy Fisher presented- he stated he believed he had a verbal approval from alteration of terrain. Basically, they told our engineer that yes, we have satisfied everything. It is now the final processing of the paperwork. He thought that could happen as early as the end of this week beginning of the next week. He is hoping that Burr Philips will do his final review again end of this week beginning of next. He feels that by the next meeting they should have all of

the permits in place. Motion made by Joe Heuston seconded by David Patch to continue the application to October 7, 2024 Vote: unanimously approved

- **Daniel/Erin Holland- (MAP 5STLNG FOO-11 and FOO-12)** Voluntary merge of lots Motion made by David Shedd seconded by Michael Galante voted unanimously to approve

5. Review and approve minutes of August 20, 2024 work session – David Shedd expressed appreciation for the secretary’s effort but felt that the minutes are getting too long. David Patch reported that he asked the candidate at her interview to do the minutes verbatim. David Shedd asked if that is still the case as he felt this would put unnecessary strain on the secretary. David Patch agreed that a summation could be appropriate. David Shedd made a correction to the August 20th minutes page three about a third of the way down you see on the right-side David Shedd stated that the water precinct requires a minimum of one acre but the town requires 30,000 sq. feet on the best soil. So, then it says that we are more restrictive on the identity for residential. I don’t understand what that is but we are not more restrictive if the precinct is required one acre and we require 30,000 sq. feet the precinct is more restrictive. David Shedd thought that it would be okay to summarize the minutes rather than verbatim. Scott Grant stated there has to be a compromise between the two schools of thought. Sometimes too much detail can cause controversy and sometimes not enough can cause controversy. David Patch stated he agrees with David Shedd that if there are three or four sentences that just gives the meat of a topic and it could be “the board agreed that this is a better way to do it”. If a direct question is asked then that probably should be verbatim. If someone is questioning a setback or something that may end up in court there needs to be verbatim documented. Vicki Garland brought up an example- the discussion about the boundary line adjustment at Cedarcroft. It would be okay for the clerk to state there was a discussion about the boundary line adjustment and the board was unanimous on that decision. However, if there are different opinions they must be stated. Motion made by Joe Heuston seconded by Vicki Garland to approve the August 20, 2024 minutes. vote: unanimously to approve. Scott Grant asked the board to review the minutes of August 5, 2024. Motion made by Vicki Garland seconded by Joe Heuston to approve the August 5, 2024 minutes. vote: unanimously to approve.

6. Mail and other business

- **David Bartlett- (Tax Map 5VILLG-CEN-70)-** Boundary line adjustment between CEN070 and GRO020. Update by Andy Fisher Ammonoosuc Survey. Andy Fisher introduced the owner Jen Bartlett to the board. Andy did bring a working sketch to show the board what the current situation is and what they are trying to do. Jen Bartlett stated she owned all four of the adjacent properties. Three of the lots were involuntarily merged and she stated that no one can tell her when, how or who received any of the notifications or when it actually happened. So

basically, all we want to do was voluntarily take this property and merge it the property at 23 Central Street. Andy Fisher explained the color coding on the drawing. There are three tracks at this time associated with the Grove street parcel. There are two tracks/parcels associated with the Central Street parcel. At some point the two parcels within the deed for the Central Street were merged and the three parcels that were within the Grove Street deed they were merged. There were five distinct parcels merged into two. The request is to not unmerge the lots but to differently merge the lots. If you looked at the property it would make more sense to merge the two for Central Street. They are being used together along with one of the parcels that are within the Grove Street deed. It compromises the whole side yard where the kids play. The new septic design for the new house on Grove Street only takes into account the density for one of the three parcels within the deed. By re-adjusting the lots, it actually doesn't take away any of the density that's currently being used by the house on Grove Street. Discussion among the board regarding which property was being used by the "new house" for the septic calculation. David Patch expressed concern stating at the last meeting that if for convience the town put some lots together to send tax bills and then because you did not know the law it ends up after two years or whatever the period of time was okay now you have one lot. He felt it was improper. David Shedd stated the legislature extended the date several times. They understood the issue and recognized the possible unfairness of it. But what happened is these lots have already been merged by the town and whatever happens now has to go by the minimum land area. Discussion among the board regarding when the town merged the lots and how long the law has been in effect. David Shedd reported that the homeowner had to go to the town and stated they did not want to voluntarily merge the lots and they have been merged. We do not have the power to go against the law. David Patch asked why the onus is on the property owner to know that this is going on? I realize that the state passed the law and I do not agree with all the laws they passed. I think it should have been up to the town to send every property owner a letter, even registered, if you were going to do that. He stated it was his personal opinion but felt the practice to merge the lots was underhanded. He asked what else will come up along the same line? Scott Grant asked Jen Bartlett how many tax bills she gets for all the parcels. Jen Bartlett replied two. Vicki Garland asked if Jen Bartlett recalled when it went from five tax bills to two tax bills? Jen responded she bought the original property in 2003 and we have always gotten one tax bill. We purchased the second property in like 2012. The timeframe on the RSA law- she bought the property in September and the deadline was December to let the

town know that we did not want them merged. It never came up at closing, we obviously never got a tax bill so we did not know. We got a tax bill the following year and I paid it. I mean my ignorance is not bliss but I always saw the deed to include the three parcels. Vicki Garland asked if there was ever a time when you were getting more than one tax bill or was it always one from the beginning? Jen Bartlett replied always one tax bill. David Shedd asked of the five parcels how many do you want to end up with? Jen Bartlett replied two- she wants to take one of the parcels and merge it with the Central Street property. She explained there is a small brook that was dug by the town as a runoff from Albany Street that ends in a small catch basin with an incline of 8 feet. Vicki Garland stated that Dave Bartlett mentioned he wanted to put another house on the property. It would be great for the grandkids to have another place to stay. That would be a problem if that were to occur. Jen Bartlett replied there is no extra dwelling to be placed on the property. The property in question is to remain a yard. Kevin Bennett stated he read the RSA and it stated that if it was merged before September 18, 2010 and asked if you have records of that. Jen Bartlett replied there are no records. David Shedd asked again for clarification as to what the homeowner wanted to do with the lots. Jen Bartlett explained she wants to take lot 3 from the Grove street deed and merge it with the 23 Central property. Andy Fisher explained on the drawing it is the total area for each of the tax lots and showing the area that is assigned to the septic. He apologized that the drawings are confusing. He stated the only area being used for the new house septic is approximately .52 acres. He conceded that if there was a boundary line adjustment all would be good but from a subdivision approval there is not enough property. He stated that there is approximately 1300 sq. feet that lot 3 can give away because the 0.5 acre satisfies the septic for the new home. David Shedd asked the number of bedrooms on parcel one. Andy Fisher responded 3. David Shedd stated he believed the board was being asked to make the lot less conforming by adding this parcel three to the Central Street address. (I took the word like out) He felt that the lot it is being taken from does not have enough land to be conforming. Andy Fisher responded that the tax lot on Grove Street is conforming because of the lot mergers. If the lots had not been involuntarily merged by the town, we would not be having this conversation. The request is simply to re-configure the lot mergers and we would still be going from 5 parcels to two which is what it is now. It is just that the Central Street would have three of the lots and Grove Street would have two lots. Nothing else changes in regards to septic or the total density. David Patch needed confirmation that the two lots, if re-merged the way they are requesting, would conform to Bartlett septic

regulations. Vicki Garland brought up the concern was a stated intent of putting another parcel (Home) on the property and that would have major septic concerns. Jen Bartlett re-assured the board there was no intent of adding another building. She regrouped with Andy Fisher to make sure that there was a safe way to maintain the integrity of the septic design with the re-merging of the lots as described. David Shedd asked about dividing up lot three and give part to Central Street and part to Grove Street? He wondered why the owner is treating lot three as a whole lot unto itself? He felt there was not enough minimum land area for septic. Jen Bartlett informed the board that the septic is already in and approved by the town. The septic only took into account the land that was part of parcel one. This happened a few years ago. Andy Fisher explained that the wrong words were used in previous conversations and that made things unclear. He emphasized that nothing changes- there will be no more development. There is no increase and we just want to change the lot lines. Scott Grant asked to why the owner wants to do this? Andy Fisher replied that the whole area is not part of the Central address and if the property were to be sold the people on Grove street would be unable to use the lawn. David Shedd enforced this was a preliminary review correct? He wanted to make sure the board was not being asked to rule on this. And he wanted to know if test pits were to be done. Andy Fisher replied that there were two existing houses with two existing septic with no more development planned so he did not see the need to have a test pit done. Vicki Garland asked for clarification regarding the boundary line adjustment to re-merge the lots in the different configuration would there be adequate land for the existing septic and you are not staling from one to give to another. Andy Fisher responded that no he did not believe there would be any impact because it was clear to him the land area used for the new house and its septic will not change and it was adequate. David Shedd expressed concern about taking the property and he felt that the board was being asked to make the lot more nonconforming and this would diminish the septic capacity. Michael Galante voiced that he thought we were adding parcel three to the other two lots? That was confirmed. He stated that the septic on the new house was configured on the land area to the side. It was questioned by the board as to how was that determined- septic design drawing was presented. Scott Grant make the applicant and her representative aware that they needed to present to the board a completed drawing of the project with all boundaries marked off. Both agreed to this. David Shedd reinforced to the owner that just because the lots were merged against her will and she now wants to change that it is a state law and the board cannot change state law. Scott Grant confirmed that the owner wants

to make both lots conforming and Jen Bartlett replied to the affirmative. Andy Fisher clarified that the Grove Street lot conforms to the septic regulation because the area left with the Grove Street lot is actually more than the area needed by the Town of Bartlett and state approval. He felt the property on Grove Street becomes less conforming. This would also be true for the Central Street and it becomes conforming. If there was enough land for us to do a boundary line adjustment and have both lots conform 100% to Bartlett zoning, we would have gone that route but that is not the case. David Shedd asked how did a three-bedroom septic get approved for 24,000 sq. feet? Andy Fisher replied that if you look at the density calculations it was all that was required. The funky shaped parcel was all that was required for three-bedroom septic. For a lot to meet Bartlett zoning it would have to be bigger. Scott Grant asked David Patch for clarification regarding Bartlett zoning for minimum land area re: septic. David Patch replied 30,000 sq. feet with good soil. Scott Grant asked the applicant if they wanted to keep all three buildings and if the intent was to sell one in the future? The applicant answered to the affirmative. Vicki Garland confirmed with the applicant that the Grove Street house would be the parcel that would be for sale? Applicant answered yes. Vicki Garland stated that she could see a buyer stating there is room for another house on the property and she wanted to make sure the applicant would stipulate when selling that the (Take out-applicant made clear the) town would not permit another building on the property. The applicant stated yes. David Patch wanted to clear up about the law and the process. He disagreed as to how the lots were merged as they were and against your knowledge, I still would not vote to do this because it is law. We are bound to uphold the law. He thought that the applicant may be lucky that they have enough land to re-configure the lots the way they want. However, the new plans must meet the requirements of the town. Jen Bartlett stated that she had the deed done twice and the deed stated there is plot one, two and three on which she paid her taxes every year. She stated the previous owners nor the title company never said anything about the involuntary merger of the lots when they closed. Scott Grant clarified the owner will work with Ammonoosuc Survey and bring back the documentation to the planning board. If she is close and doesn't meet the MLA survey you can go to the ZBA. Owner expressed understanding. Kevin Bennett stated he read the entire RSA and it stated the town was supposed to notify everyone in their annual report. He wondered if the town did that? In comment he felt that owners may be blindsided as they did not know what was posted and that is another issue- the owners have no idea. David Patch stated that any significant change like that should be a letter in the mail from the town

stating this is the new law regarding your property or Bartlett residence and the owner should not have to search for the information on their own. Andy Fisher stated he would be in next week with the correct application.

- **Verizon Wireless c/o American Tower (Tax Map 2LNDRH Parcel Wel-lot)**
Antenna and RRU swap -no enclosed drawings. Board discussed the permit. Approved as long as there was no change in height.
- **T Mobile LLC (Tax Map 3RT302 Parcel 153RCT)** Electrical permit. Board discussed the permit. Approved as long as there was no change in height.
- **Zoning Amendment-** Scott Grant asked the board if they had a change to read the first draft written by Vicki Garland. David Shedd expressed a concern regarding the wording of the sewer lines can't cross precinct boundaries. In order for LBWP to run their sewer line along 16A they will have to cross North Conway Sewer precinct boundary. He is concerned about crossing boundaries for example if one precinct has to run lines south, they will cross boundaries. We need to have a better idea of the mapping of the precincts. I have been meaning to go down to LBWLP and introduce myself. I did have a brief discussion with Gail Payne who looks into zba issues for the precinct. I guess that is a start but I guess I have to meet Gary Chandler and ask if I can attend one of the precinct meetings. Scott Grant stated he liked the draft but felt there needs to be added there will be no expansion of municipal sewer connections beyond the boundaries of the water precincts. We need to keep the amendment as concise as possible for the public to vote on. He felt the best part was the rationale and he thought people may question that it stated four precincts and may feel we have only one. Vicki Garland clarified taking out the town's four and just have boundaries of the precinct/village districts. Scott Grant asked for questions/comments from the board. David Shedd stated this was why he brought it up and he feels we may have created a legal problem because LBWP has to cross over someone else's precinct to get their sewer lines out. Scott Grant replied that we all know that at some point in time the state legislature will say we have to do this. But as we have been discussing if we get ahead of this, we may have a fighting chance to potentially stop growth like Conway here in terms of density and water. He stated we are unable to do anything until 120 days before the election but we can have many public hearings like next month or the month after to get the word out so we are proactive and not reactive. Vicki Garland questioned if amendment this goes to public hearing can it be changed? Answer from board is affirmative so we can make the changes the public is talking about. She replied good as she would like to get this to the attorney as soon as possible to make sure it is done in a legal way and our efforts are not

tossed out. David Shedd suggested taking out number of buildings and change it to dwelling units. Joe Heston stated we should add i.e. on the bottom to read four units on one acre. Vicki Garland stated we need to get the information out there because if she is voting on an amendment “the more words I read the more confused I get”. The consensus is that the more words the more likely it is the public would say no. Discussion in the board regarding how a precinct is created and the question came up that the town has no jurisdiction over the precinct. It was explained that the precinct creates the boundaries and in order for voting the people have to prove they are residents of the precinct to the people overseeing the checklist of the precinct. Concern is the amendment has to cover any future precincts created. Amendment to have a statement added – “beyond the boundary of the town’s current and future/village districts”. As the amendment has to be a yes/no vote how should it be worded? Board stated “Are you in favor allowing the expansion of municipal sewer connections beyond the boundaries of the town’s current and future precinct/village districts?” David Shedd clarified to the board that this does not stop Bartlett Village from creating their own sewer system but prevents them from running the sewer system out of their village boundary. Vicki Garland reminded the board that in any of the political debates she has listened to the candidate regardless of party is saying that this is a way to deal with the housing crisis. David Patch stated the two points a candidate will say is that we need to solve the housing crisis and we must protect the water. When the zoning was written a long time ago, we took what the state allowed and deducted 25% of that. If you talked to any engineer in the Valley, they said it was probably too much and he concurred that was exactly what we wanted to hear. We wanted to protect the water. Board discussed short term rentals and most agree they do not have the right to tell people what they can do with their homes but they cannot take a lot with two home on it and make it like 6 or 8 homes on the same lot. Scott Grant stated that we do need affordable housing and workforce housing in Bartlett- teachers and families cannot afford to live here. David Shedd stated he would like Vicki Garland to share her amendment with the selectmen and see what their objections/comments are. Scott Grant suggested that she send the new draft to all members of the planning board and discuss with the Selectmen. If the Selectmen make any changes these changes should come back to the planning board before we send it to the precincts. Next month we can discuss and maybe in November have a public meeting. The sooner we get the information out there the better we will be. Then we can present it to the attorney. Heather Forbes stated she hope that the planning boards efforts prevail and wanted to know if

the town could write an ordinance (Took the word that out) limiting the sewer connections to 4 per one-acre lot? David Patch stated he believed that the town's ordinance would supersede ours. She then asked if this was a relationship between the state and the individual homeowner? David Patch replied we are trying to get ahead of it and therefore if we have this on the books, we have a better chance of fighting any legislation. If we do not do this then the state passes this law we would then have to sit back and watch the process happen. This is all about local control.



Zoning Amnedment
draft 1 08-20-2024.d



zonig amendment
draft 2 09-05-2024.d

- **Work session is September 17-** will probably happen. A lot depends on if Andy Fisher brings in the application. If there is nothing going on, we can cancel. Clerk will let board know. David Shedd just mentioned we need to relook at the Master Plan at some point
- **Stillings Grant-** Scott Grant stated that he texted Sheila Duane regarding the status of the lots in section F and if they were planning on opening up section G? As of this meeting he has not heard from her regarding their status. He felt it was in fairness of the board that we be informed as to what is happening on Stillings Grant. They were notified that the bond was renewed for \$400,000.00 for the road. David Patch stated he would like to wait a month to have them get it together regarding the plan. Michael Galante replied he thought last time they only had people come in for the water engineering and that was a major problem. This was changed a lot because the state asked for a lot more. He suspected that they are involved in that. It is possible they sold the tanks bought for section G and they may not want to open section G. There are many rumors regarding what they are doing with section G. Part of the deal was that the board made clear that they cannot develop section G unless the tanks are in for fire suppression. The hydrants are not operable unless the tanks are installed. David Shedd stated to invite AMSCO to a meeting rather than one single person. It was decided to have them come to the October meeting.
- **Wireless reception-** Kevin Bennett brought up the reception he noticed is lacking when he rides the ambulance along route 16 (Near Stanley's Hill) and if he has to send information he almost at the hospital before it kicks back in. He just wanted to bring this up as we discussed the cell towers. He wondered if there was anything that could be done to improve this. Michael Galante stated that the improvements made to 5G only enhances the digital signal. The improvements are to upgrade the cellular technology to 5G and a lot of people are not using 5G

phones right now. David Patch stated when the tower was approved, he asked if it would improve the cellular reception. He was told not much it will do some but it was mostly to improve data and the speed and handling of data.

7.Next meeting: Working Session September 17, 2024 if needed next public session October 7, 2024

Motion made by Vicki Garland seconded by Kevin Bennett to adjourn. Vote: passed meeting adjourned at 8:00 PM

Respectfully submitted

Louise B. Burns

Planning Board/ZBA Clerk

603-356-2226



Planning Board
Sign in 09-05-2024.c



Public Sign in
09-05-2024.docx

APPROVED