

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

APPROVED MINUTES

PUBLIC MEETING

August 5, 2024

6:00 p.m.

PRESENT: Scott Grant (Chair) David Patch (vice Chair) Kevin Bennett, Vicki Garland (Selectmen Representative), Joe Heuston, David Shedd, Pat Roberts (1st alternate)

Absent with notice: Michael Galante

Absent: Phil Franklin (2nd Alternate)

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

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.** Scott Grant(chair) stated that in the article by the Conway Daily Sun he was quoted correctly regarding the right of way into Cedarcroft farms but he mis-spoke in the interview. He stated that once the state allows the access the town cannot over rule that. He stated that the town could reject the road if the road was not built to town specifications but that is way down the road. He apologized for miss speaking and wanted to clarify his statement. The access is basically step one of a

many step process, there is much work to be done with the state and possibly a traffic study but that is down the road. He asked the board as to how they wanted to proceed with the discussion of this project. He queried the board regarding their opinion on how to proceed. David Shedd stated that at the last meeting he understood we would be approving the project all at once. He asked Andy Fisher (Ammonoosuc Survey) if he thought it was a good idea to continue that way or should we do the approval process in pieces? He asked Andy Fisher if he had a preference for how the board should proceed. Andy Fisher (Ammonoosuc Survey) stated he did not have a preference but thought at the end of the last meeting the consensus of the board was to approve the project all at once rather than in pieces. If the board has a preference to do it in stages, he is willing to do that. David Patch (vice chair) stated he was fine in doing it all at once as long as the plan is not to add piece here or a piece there to the plan as time goes on. Andy Fisher (Ammonoosuc Survey) clarified that the state is looking at this project all at once if that makes any difference to the board. He believed that the state will be approving the project all at once. He reported that the density calculations for the big subdivision have already taken in account the subdividing the farmhouse off and the boundary line adjustment. David Patch (vice-chair) asked about lot number Tax Map 1RT16 Lot 285R00, is that needed to be merged with lot 1THORN lot 54 L00 to be granted access? Andy Fisher (Ammonoosuc Survey) replied no he did not technically believe that a lot to be there was necessary but he feels that it would be much cleaner to have it merged before we are done with things. Andy Fisher spoke to the owners it makes sense to have the lots merged, he is waiting for the paperwork to do the lot merger. Pat Roberts (1st Alternate) asked for clarification regarding which lots needed to be merged. Andy Fisher (Ammonoosuc Survey) clarified for the board on the plans which lots needed to be merged. Scott Grant (chair) asked for clarification regarding the entrance to the project. Since the state has approved the entrance is set in stone through the property next to the Young's property there will no longer be a right of way on the Young's property correct? Andy Fisher (Ammonoosuc Survey) clarified that as far as the state is concerned there is just the one access. So, there cannot be access to the project from the Youngs property. Scott Grant (chair) stated that the boards could place this as a condition on the approval at the end. David Patch (vice chair) asked if the project would affect the Youngs 66-foot right of way into their property? Andy Fisher (Ammonoosuc Survey) replied no that the right of way is physically on their property and they own it. Scott Grant (chair) asked the board how they wanted to proceed? Do we want to take the project all as one? Do the lot merge or the

boundary line adjustment? Peter Gagne (Abutter) called out from the audience regarding an improper application. Scott Grant (Chair) reminded him this was time for the boards discussion and the public session will be open soon. Mr. Gagne could voice his concerns then. Scott Grant (chair) asked the board if they wanted to do a roll call vote? David Shedd stated that there was no objection to deciding all at once but he suggested that the board reserve the right to change if we find out that something is holding the main project up and the other two parcels could be dealt with separately. I think we should leave it as it is and proceed ahead. No other opinions were voiced at this time by the board. Andy Fisher (Ammonoosuc Survey) presented a quick overview of the project- he stated there were 4 sheets total to the plan sets he is presenting. Page one is the overall subdivision plan. He stated the information that people wanted to see is on the first page. The three sheets below are the engineering plan set which has been completed. He is asking the board on how to proceed- does he get a set to the board and then ultimately get to Mr. Burr Philips? Andy Fisher (Ammonoosuc Survey) provided an overview of the locations of Route 302, Thorn Hill Road, entrance way to the development and possible locations of the homes. He reported that the home locations are subject to change but the plans presented he believed are pretty well where they want the houses to be. The homes are all in places that conform to town regulations. Setbacks from structures are indicated. There is an intermittent stream that cuts through a portion of the property and there is a main brook that comes through the other side of the property. Structure setbacks from the water are indicated on the plans. He indicated that the 4K areas are shown along with the proposed exclusive use areas around the buildings. He stated the exclusive use areas are also subject to change. These will be nailed down as the project hopefully gets to the point of actually building the houses. The completed engineering plan set is in a PDF file which he believes Burr Philips would prefer to work with. He reported the plan set is 31 pages long. What he had showed the details of the road coming through areas where they are dealing with drainage, retention ponds and things like that. The next two sheets of the plans showed areas further along the project. He stated that at the last meeting people were asking how the development was dealing with drainage, water and run off. He stated there are structures shown i.e. culverts, that are designed to handle the stormwater runoff on the property. At the upper end, the northern end of the field was on the last page there were again structures that will be built to handle all of the storm water. Since this project requires an alteration of terrain permit, he understands as a condition of the permit the developer has to handle all of the storm water runoff on the

property. He explained that it means that they cannot funnel water from the property out to somewhere else. They have to deal with all the water onsite and that is what all the structures are for. He referenced the construction plans delivered to the town already regarding the two wetland crossings. Scott Grant (chair) asked if the 31-page plan set had topographical data. Andy Fisher (Ammonoosuc Survey) replied that yes it was all in there. He also replied that he could have a set made if needed for the board. Scott Grant (chair) opened the discussion to questions from the board. David Shedd asked if the state in looking at the entrance felt a passing lane would be appropriate? Andy Fisher (Ammonoosuc Survey) stated that he had a conversation with his engineer who is working with the DOT and there is an email conversation with the DOT from October 2023. The email was from Paul Regis and read for the record. The email stated "after some discussion it was decided that we ultimately will allow for a driveway at the requested location provided all the necessary information is received during the permitting process. This is what we discussed earlier and will likely include drainage analysis and possibly a traffic impact study to see if turn lanes are warranted." Andy Fisher (Ammonoosuc Survey) reported that this is an ongoing discussion with DOT. David Shedd asked for the date of the email. Andy Fisher (Ammonoosuc Survey) replied October 13, 2023 and it is essentially their green light from the DOT stating that the entrance was a viable entrance. He reported he was then able to proceed with all of the drainage analysis, road construction and other details. It would have been a costly endeavor for us to continue without that approval. David Shedd stated that you were mentioning that you are using that letter as a driveway approval. The Town of Bartlett has only two categories- a driveway or a road built to town standards. What you are proposing is not a driveway. Andy Fisher (Ammonoosuc Survey) reported that it is a driveway permit from the DOT. David Shedd asked for clarification- does the DOT consider the road to be a driveway? David Patch (vice chair) clarified the DOT calls it a curb cut whether it be a driveway or a road. Pat Roberts (1st Alternate) asked for clarification regarding the DOT letter- is it for the curb cut on the Youngs property? Andy Fisher (Ammonoosuc Survey) clarified that the DOT would approve the new location of the driveway entrance, the one the board has in front of them on the plans. As of July 17, 2024, they have provided the DOT construction drawings, site plans, drainage study and essentially everything that was requested by the DOT as indicated by the letter from October. David Patch (Vice chair) asked does the state decide if you need passing lanes? Andy Fisher (Ammonoosuc Survey) replied that he was under the impression that was the case. He was not aware of what is entailed in a traffic study. David Shedd asked if

there were discussions with the Selectmen regarding the road yet. Andy Fisher (Ammonoosuc Survey) replied that a few years ago there were some preliminary discussions with the Selectmen and there was different design for the driveway but after discussions with the Selectmen it was changed. David Shedd asked Vicki Garland (Selectmen Representative) if the Selectmen await approval of the planning board before they approve the road? Vicki Garland (Selectmen Representative) replied that it is not a requirement but it was merely a suggestion because of the way it was designed to change the design from two separate roads that ended to a loop. The belief was for plowing and safety of rescue/fire that a loop would be more effective. It was merely a suggestion not a requirement but the changes you made were based on that suggestion. David Shedd stated he would think that it would be helpful for the Selectmen to be looking at the road while the board deals with the issues related to the subdivision approval. However, he does not know the procedure. Andy Fisher (Ammonoosuc Survey) reported his understanding of the process is that the application has to come in front of the Planning Board before going to the Selectmen. We needed to get to this point before Burr Phillips will look at anything. As he mentioned earlier there are now a set of plans that deal with engineering, drainage analysis, road design and are ready to be presented to Burr Phillips. He asked the board what is the next step? David Shedd asked if there was state approval for subdivision? Andy Fisher (Ammonoosuc Survey) replied not yet, it is pending still. David Shedd asked if there was an anticipated date for the approval. Andy Fisher (Ammonoosuc Survey) replied stated it was under review and there have been a number of conversations. He spoke to the reviewer Friday and there were a few things the state wanted clarification on but he believed that by the next meeting there should have satisfied from a surveyor's standpoint all of the questions. The state does require draft document, condominium documents and anything that would lay out shared use, shared easements and that can be time consuming and will be coming from the owner. Scott Grant (chair) asked about the alteration of terrain- would it be at the same time or after? Andy Fisher (Ammonoosuc Survey) responded he thinks it will take some time. He would expect subdivision approval by next month or within a couple of months. He believes the alteration of terrain permit will take longer. Scott Grant opened the discussion to the board. Vicki Garland (Selectmen Representative) stated that if the state does not do a traffic survey this board may make it a condition of any approval and that cost will be the developers responsibility. So even if the state does not make it a requirement the planning board can make it a conditional requirement of the approval. Andy Fisher

(Ammonoosuc Survey) spoke about the shed that was brought up at the last meeting. The Martyn family will be taking a look at whatever is inside the shed to see if there is anything worthwhile for use. Whatever is left will be removed and then the shed will be removed. Kevin Bennet made the comment regarding the two houses on Route 302/16 that they need to be taken down and there is a certain procedure that needs to be followed through. He called the state about the home that was on Route 16 on the right-side regarding paperwork that needed to be filed. He spoke to Steve at DES who is in charge of the asbestos program. As you know by state RSA's you are supposed to get a demo permit to do a special abatement. I know the building had asbestos in the roofing material and who knows where else. People don't realize that asbestos is in everything back before like before 1972- window glazing, tiles, its just everywhere. I had a house in Jackson and the floor tiles were full of asbestos and it was from 1982. He wants to make sure that when the two homes come down the Town of Bartlett follows through and does the right procedure and get someone to do a special asbestos abatement on that which is required by the RSA. And then you know it is clean. It has got to be removed before they come down. Vicki Garland (Selectmen Representative) stated the Selectmen have information on that procedure and signage. Pat Roberts (1st Alternate) asked about lead paint procedures. Kevin Bennett replied there are procedures but it is not a big deal. It is more of an issue when kids are around. Andy Fisher (Ammonoosuc Survey) thanked the board for their input. Scott Grant (chair) asked the board for any additional comments/questions- as there were none, he opened the meeting to the public at 6:26 PM. He requested the public to come forward and state their name and their question/concern. He requested the public to not ask or state the same thing over and over. Julia King (non-abutter) stated she spoke to Mr. John Kallfelz (interim Director of DOT) she believes in Randolph and spoke to him regarding the one road in and one road out and as he said a curb cut is a curb cut. It does not matter if it is a road or a driveway or whatever. She asked him if he would please take a look at it. Within a couple of days she noticed there were traffic counters on Stanley's Hill and only for about three days and not during peak Storyland time. She reported that when she was in the Village of Kearsarge many years ago it was being built out and the Town of Conway held them to two ways in and two ways out. And even if it was only on paper, we want it for safety. She is very concerned about the curve and traffic going in and out all day long. Peter Gagne (abutter) He asked for clarification as far as the application goes. He asked if the lot Tax Map 1RT16 Lot 285R00 is being handled as a merger boundary line? He thought they would have to do the submittal of the

application because it may have to be re-submitted as a technicality because you are changing the application. Scott Grant (chair) stated that Andy Fisher (Ammonoosuc Survey) could answer and that the board would have to do a boundary line adjustment eventually. Peter Gagne (Abutter) stated it did not matter it was a technicality but it is an incomplete application. Andy Fisher (Ammonoosuc Survey) asked for clarification from Peter Gagne (abutter) regarding his question/statement. Peter Gagne (Abutter) stated you cannot access the land like this from the driveway and the lot Tax Map 1RT16 Lot 285R00 is a separate lot with setbacks. He quoted a case from 2000 with a resident Ed Furlong on the same issue you know he had the same lot and the Town of Bartlett sued him and he lost everything on it like \$300,000.00. David Shedd stated that he thought it would be more appropriate as a lot consolidation rather than a boundary line adjustment and it could be handled in one night. Peter Gagne (abutter) stated technically it is an incomplete application and it is a technicality. He stated he was stalling for another month so that he has a view. It would also be grounds for appeal. He reported that the project will get done and he understood that. Scott Grant (chair) stated we don't know that yet. It will take awhile for the process to happen. Peter Gagne (abutter) stated it gave him another month before he had to look at 35 houses. He also stated he would be happy to buy the property at this point. Vicki Garland (Selectmen Representative) reported the case that Peter Gagne (abutter) quoted was well before the year 2020 and stated she felt it is not a fair comparison as there was a lot going on with the case. Peter Gagne (abutter) reported that it was a setback issue where Ed Furlong excavated and he owned both lots within the setback. Peter Gagne (abutter) also questioned each of the house lots is there a defined area? Like how big? He questioned how large each of the house lots will be. He quoted zoning ordinance Section B they are to be identified. Are the lots 20x20 or 20x80? Andy Fisher (Ammonoosuc Survey) clarified the exclusive use is 80 x 80 but it is subject to change- these are easement areas. Peter Gagne (abutter) asked what is the size of the house allowed? Andy Fisher (Ammonoosuc Survey) replied the homes are 3 bedrooms. He clarified that he believed the Planning Board does not decides what kind of house or what it looks like. Peter Gagne (abutter) stated the zoning ordinance section B right here has proposed plans, the proposed grades, drainage systems and also there is something about the shape, size, height and location of proposed structures. This is all in the site plan regulations review. David Patch (Vice chair) stated that this does not apply to residential Peter Gagne (abutter) stated yes it does, reported it applied to developments over 5000 square feet. Andy Fisher (Ammonoosuc Survey) continued to read from the

ordinance- commercial building and non-residential development. Peter Gagne (Abutter) stated he would retract his statement and continue to read the ordinance more. Katie Young (abutter) spoke and asked how long will this project take? Andy Fisher (Ammonoosuc Survey) replied he was unable to give a timeline. He stated they were unable to put a shovel in the ground until all approvals are obtained. David Patch (Vice chair) provided information regarding an alteration of terrain permit. He had a development up north that required an alteration of terrain permit and it took 2 years to get that permit. Katie Young (abutter) asked if the development were to get septic and water would that affect them at their property? Scott Grant (Chair) reported that water may affect them but not sewer. Katie Young (Abutter) asked if they get water then does she have to hook up. Scott Grant (Chair) reported that if she is out of the precinct then no it would not affect them. He clarified that the Lower Bartlett Water Precinct boundary stops at East Branch. Norman Head (abutter) questioned whether the curb cut was for a driveway permit? Am I correct in saying that when we say curb cut? Andy Fisher (Ammonoosuc Survey) replied that it is the states way of indicating a driveway location. It is the state driveway permit. Norman Head (Abutter) asked if this was in a conflict with the Town of Bartlett rule about no more than 3 houses on a driveway? David Patch (Vice Chair) clarified the state calls it a driveway permit whether it is 66 feet town road or a driveway. Vicki Garland (Selectmen Representative) stated the road would be built to town specifications. Scott Grant (chair) gave examples of Stillings Grant and the development near Lucy's Hardware. Stan Szetela (non- abutter) asked about the boundary line adjustments- he asked for clarification on where they would be and to what extent. He stated he knew there was an old farmhouse on Thornhill Road but he felt there were numbers that did not mean anything to the audience. He stated you started with like 72 acres? Is that the whole lot? Andy Fisher (Ammonoosuc Survey) clarified the whole project was 44 acres. Stan Szetela (non-abutter) asked for clarification as to what land was taken out and what was left for the other 34 units. Also, in October the state said to meet the curb cut driveway permit that you had to meet all the regulations and you said you did. But one thing is a traffic study for 2-3 weeks. He stated it was the developer responsibility right off the bat to get it done not the town's responsibility after the fact. Also asked for an explanation of the lot line adjustments. Andy Fisher (Ammonoosuc Survey) showed on the plans the proposed boundary line adjustment between the Martyn (Robin and Todd) land Tax map 1THORN lot 42LOO and Cedarcroft Farms LLC Tax Map 1THORN lot 54 L00. He reported that the Martyn property would almost double in size. The lot

with the farmhouse would be subdivided and become a lot unto itself. The property in the front Lot merge between Tax Map 1RT16 Lot 285R00 to 1THORN lot 54 L00 which is owned by Cedarcroft Farms LLC- this is where the access is from. Right now, it is a separate lot of record but has the same owners. He apologized about his statement regarding the traffic study-he reported it was something the state might want. He stated the state wanted to see drainage studies and engineering plans of which we provided both. We are now waiting for them to review and see if that triggers their desire for a traffic study. Or if the board wants a traffic study. If either require it, we will do it. Scott Grant (chair) reported that anything the board could possibly do we are doing in this one project. Jason Young (abutter) asked depends on the traffic study he assumed it would be on the right-hand lane going up the hill. If it was on that side it would come into my property. Do I have a say whether or not it is allowed? Andy Fisher (Ammonoosuc Survey) reported he was not sure it was above his pay grade. He stated that he expected that anything that happens would be within the right of way, the existing right of way. Jason Young (abutter) stated that if this was to proceed could a condition be made that the existing right of way be a thought. He stated that if the state says a passing lane is required because of the amount of traffic he wanted to bring this concern forward now if it happens. David Shedd expressed his opinion that he did not think a passing lane would be necessary on the Youngs side of the road because there is no one turning left. It is going uphill. Pat Roberts (1st Alternate) stated he felt a better word was left turn lane not passing lane. Greg Vander Veer (abutter) he owns the Christmas Loft property and he owns a warehouse facility and they are growing it not necessarily size wise but the amount of business they are doing there. His main concern is that pretty much they do not have any neighbors at all and now all of a sudden we have these residential houses. What will these people think when we have 20 tractor trailers driving through our site? Do they have any right at that point to start an issue? David Patch (vice chair) explained that you are grandfathered, you were there first. Greg Vander Veer (abutter) asked if that was for anything? But anything we wanted to do in the future then they would be? They would then have a say in that- Right? David Patch (Vice Chair) stated that if they do anything in the future is within the zoning ordinance or planning regulations it should be fine. Scott Grant (chair) further clarified that you may have go to the Selectmen for a change in use if needed. Vicki Garland (Selectmen Representative) further clarified that he was grandfathered but they cannot become more non-conforming. Scott Grant (Chair) stated that this would be a Selectmen issue not Planning Board but the board understood what he was saying. Greg Vander Veer

(Abutter) asked if they wanted to expand at some point it was not beyond the realm of possibility. Vicki Garland (Selectmen Representative) replied as long as the expansion followed the regulations. Greg Vander Veer (abutter) asked if the development was aware, they would be next to a big warehouse facility and that it was like 50 yards of the building? Andy Fisher (Ammonoosuc Survey) replied the owner is aware of where the development is and the proximity of the existing businesses around. So, someone buying a house there would be or should be aware that this is a residential development in what is in large part a commercial area. Peter Gagne (Abutter) He reported he had had two questions. One was two red lines he noticed on tax map 1RT16 Lot 257R02 is that a right of way? Andy Fisher (Ammonoosuc Survey) replied it was a traveled way. Peter Gagne (Abutter) asked if was a right of way or an easement through tax map 1RT16 Lot 257R02. Andy Fisher (Ammonoosuc Survey) replied not that he was aware of. Peter Gagne (abutter) replied it was depicted on the plans. Andy Fisher (Ammonoosuc Survey) replied it is not depicted as a right of way it is depicted as an existing traveled way and as surveyors, we have to depict it as such on the plans. Peter Gagne (abutter) stated he understood and then asked for the definition of a farm road- he understood it was for farming but is there a definition of a farm road. Andy Fisher (Ammonoosuc Survey) replied it is a road through a farm. Peter Gagne (Abutter) stated that the road could not be used as a secondary egress to Thorn Hill Road. Andy Fisher (Ammonoosuc Survey) replied this was already discussed but no it would not be used to exit onto Thorn Hill Road. Peter Gagne (abutter) stated on the plans it was depicted that way. Andy Fisher (Ammonoosuc Survey) replied that it was an existing traveled way and has not been used for how long. As a surveyor I have to show what is there. Peter Gagne (Abutter) stated it could not be used as an access. Andy Fisher (Ammonoosuc Survey) replied that if someone had a legal right to access the property, they could access through there 100% unless they were trespassing. Is an ingress or egress to these houses by cars- no. Peter Gagne (abutter) asked the board if they could restrict the access? He stated he was just asking the board so that you don't have the traffic and you know house number 8- you could do 4-wheel drive. I know you can't do a town road but you could have 4-wheel drive go that way- it was wide enough. Scott Grant (chair) asked if anyone goes down there now? Peter Gagne (Abutter) replied he has not seen anyone go there now it is all brush and he has not seen any cars there. He asked if there was a legal right of way. Andy Fisher (Ammonoosuc Survey) replied that no to the best of his knowledge there is no right of way. Daymond Steer (Conway Daily Sun) asked what are the major steps that we are trying to accomplish to get this project

moving forward like to get a shovel in the ground? We get Planning Board approval and Alteration of Terrain permit. What other big steps and how do they go in order? Andy Fisher (Ammonoosuc Survey) replied there are 2 wetland crossings so we need state wetlands approval, wetlands DOT, the approval of the road and drainage which would be Burr Philips on behalf of the select board. Vicki Garland (Selectmen Representative) stated that after that there would need to be building permits for every single structure showing that they meet the height requirements. Scott Grant (chair) also reported there has to be Alteration of Terrain permits is the biggest. Vicki Garland (Selectmen Representative) reported there has to be state septic plans. Daymond Steer (Conway Daily Sun) asked if the Alteration of Terrain permit was really quick and was it for wetlands or the buildings? David Patch (Vice Chair) clarified it was for drainage and wetlands in the Alteration of Terrain. He asked for clarification on what was said-what order did the come from? He explained that most of the steps are worked on all at the same time because you put into the state for all of the permits. Some are quicker than others and some are really slow. When they are all done the last thing will be Planning Board approval. Daymond Steer (Conway Daily Sun) asked if the Planning Board does a final approval and is it called a site plan? Scott Grant (chair) replied he knew Daymond covers mostly Conway. Conway is more likely to give a conditional approval where in Bartlett that is the rarity and not the norm. So, you will have some approvals in order to go forward but all the approvals have to get done before I sign the Mylar so the Selectmen can start building the road and building permits are obtained. He asked Damond if this made sense. Damond Steer (Conway Daily Sun) replied he understood and asked if lot lines need to be moved. Scott Grant (chair) replied that is pretty easy. David Patch (Vice Chair) replied that the final approval is by this board and nothing happens until all of the permits are in the state and they have complied with all of our regulations and when that's all done, we give final approval. Hearing closed to the public hearing at 6:52PM and was closed for good. People can always come back in the future David Patch (Vice Chair) stated that yes, they can come and ask questions but he believed that we've covered everything that needs to be covered. Motion made by Joe Heuston seconded by Vicki Garland to continue the project till the 9/2/2024 meeting. Voted: passed unanimously.

- **One Hutchinson Dr. LLC (Map 4MTSUR/Lot 30R00)**- proposed two-unit PUD subdivision. Andy Fisher (Ammonoosuc Survey) presented. Last meeting the state subdivision approval was pending and that approval arrived. The number was added to the plans and Mylar. Scott Grant (chair) stated the plan was all set to be signed and asked the board for comments or questions. As there were

none it was then put to a vote. Motion made by David Patch seconded by David Shedd to accept the application Vote passed unanimously.

- **Jason Brown (Map 2RT302 Parcel 161L00, 165L00 and 170L00)**- update regarding application. Andy Fisher (Ammonoosuc Survey) presented and reported they are still waiting for the alteration of Terrain permit. He believes that all of the concerns posed by Burr Philips have been satisfied. He is waiting for final approval from Burr Philips and the Alteration of Terrain permit. Motion made by Joe Heuston seconded by Vicki Garland to continue the project till the 9/2/2024 meeting. Voted unanimously to approve

5. Review and approve minutes of July 1, 2024 public session: Motion made by David Shedd seconded by Joe Heuston to postpone approving the minutes till the next meeting due to their length. Vote unanimously to put the approval on the next agenda.

6. Mail and other business

- **Selectmen response** re: public hearings Clerk read the information on the hearings from the AA to the Selectmen from the Municipal Service Council. Vicki Garland (Selectmen Representative) asked if we do it earlier but it does not go into effect? David Patch (Vice Chair) clarified it is not law when it is posted- has to be the 120-day mark. Scott Grant (chair) stated that we can do an ordinance variance now (Pat Roberts (1st Alternate) stated yes you can but it will not go into effect until 120 days before the public meeting. David Patch (vice Chair) stated it does not do any good to do it now if you are trying to achieve something.



Email regarding
public Hearing.docx

- **David Bartlett- (Tax Map 5VILLG-CEN-70)**- Boundary line adjustment between CEN070 and GRO020. Update by Andy Fisher Ammonoosuc Survey. Scott Grant (chair) asked David Shedd about the test pit evaluation. David Shedd stated he actually did the test pit evaluation across the street but he had some information that may help the board. He spoke to the AA to the Selectmen, Lynn Jones, briefly and it seems that many years ago the state gave towns permission to consolidate abutting lots so the town could send out only one tax bill. After that occurred the legislature kept extending the deadline for a property owner to go to the town and say I don't want the lots voluntarily merged by a certain date. He believed that date has come and gone and he guesses that this is now one lot by the owner. It cannot be a boundary line adjustment within one lot. He stated the lots already defined as one lot and the owner thinks he has three. Andy Fisher (Ammonoosuc Survey) stated he understood the explanation offered by David

Shedd. Pat Roberts (1st Alternate) asked if these lots are combined there never can have something done about it. David Shedd replied yes, they can be subdivided but the owner believes he has three lots. Vicki Garland (Selectmen Representative) replied the owner has been informed several times that he does not have what he thinks he has. Andy Fisher (Ammonoosuc Survey) replied that the project has just come to his desk and he has not looked into it very deeply. He understood that there was a deed comprised of several tracks. At one point there may have been several defined lots but somewhere along the line they were merged together into one lot and the time to unmerge them has come and gone. He understood that the owner owned two lots and instead of trying to re-separate the two lots we have to try and do a boundary line adjustment between their two parcels to have things the way they want to. Mr. Bartlett jumped the gun by submitting his application. We have only just started doing the survey process and therefore do not have a plan. Mr. Norman Head spoke up from the floor stating that this happened in Conway. What was found was there were substandard lots that were involuntarily merged and that was illegal. If the lots were voluntarily merged that was a different story. David Shedd mentioned there was an RSA to the effect of the merger. Vicki Garland (Selectmen Representative) reported that the time has passed and Mr. Bartlett was aware of that. David Patch (Vice Chair) stated he understood involuntarily merging a substandard lot but if you have three lots that comply with Bartlett's regulations for what you need to be a lot and they were involuntarily merged do you get one tax bill? Vicki Garland (selectmen Representative) replied in this particular case Mr. Bartlett was sent a letter that stated about the merge- so even if the town did it involuntarily the time period to correct the tax status has passed. Scott Grant (chair) asked if the owner gets one tax bill? Vicki Garland (Selectmen Representative) replied he gets one tax bill. Andy Fisher (Ammonoosuc Survey) stated stories he heard in the past if someone owned abutting lots that were legal lots there was some fear and you would see parcels owned by the same family but under slightly different names so the town could not say- oh you own all of these lots and we will put them together. David Shedd stated if you bring us a boundary line adjustment, he was not sure that the board could act on it because how can we contradict the RSA? Andy Fisher (Ammonoosuc Survey) reported that if he owns two parcels the we can do a boundary line adjustment. David Shedd stated how can you say he owns two lots? We were just saying that the town voluntarily merged these lots. Multiple board members spoke (Vicki Garland- Selectmen Representative; Pat Roberts- 1st Alternate) regarding the locations of the lots- Grove Street and Central. Pat Roberts (1st Alternate) asked

about septic approval and is it based on the entire lot? He was asking for clarification. Vicki Garland (Selectmen Representative) stated that Mr. Bartlett was suggesting he could take land from this lot and make it a buildable lot. She stated that what the board and Andy Fisher stated you still have to maintain minimum land requirements. David Patch (Vice Chair) reported that if you take land away you still need to maintain the approved septic gallonage. Vicki Garland (Selectmen Representative) stated what is needed is a survey. David Shedd relied not only a survey but a test pit to see what the minimum land area is especially for the new house on the corner. Andy Fisher (Ammonoosuc Survey) stated that this was a new septic design but he assured the board that all aspects of the project will be looked at. He stated the question of re-subdividing the lots were asked and he replied no you cannot do that. Okay can we do a boundary line adjustment between their two lots that they own they get two tax bills. Vicki Garland (Selectmen Representative) stated a pink and a blue. Andy Fisher (Ammonoosuc Survey) replied I have no idea if you can do it. It will be really close if you can do anything. The only way to know for sure is to do a survey and see what can be done. The Bartlett's jumped the gun by submitting an application to the board. We may or may not be here depending on the survey results.

- **Minor Impact Wetlands Permit-(Tax Map 47-3RT302-2L Lot 184-MAS)** Attitash Mountain Resort Stony Brook Bank Stabilization- FYI. David Patch (vice chair) reminded the board that this is handled by the Conservation Commission.
- **Flood Insurance-** Kevin Bennett asked about the flood insurance. He stated he noted in the Selectmen's minutes that the Flood Insurance Program possibly may be in jeopardy because of non-enforcement of one property? I did not realize they had the power to do that. He asked about the current standing of the program. Vicki Garland (Selectmen Representative) stated the Town of Bartlett is currently in communication with the landowner. The town is basically a go between and the decision is coming from FEMA and not from the Selectmen. We are creating letters based on what FEMA is telling us what we have to do. We are hearing from the landowner disputing the facts and that information is going to FEMA. We then wait for the next step. It goes back to a mistake in the beginning made by a surveyor who we cannot go back to and say you caused this issue. She stated the Flood Insurance is a potential jeopardy but does not believe that we will get to that point. Peter Gagne (from the floor) Asked does this mean that residents would not be able to get Flood Insurance? Vicki Garland (Selectmen Representative) clarified that FEMA is telling the Town of Bartlett that if the landowner doesn't make corrections to raise the elevation the whole town there

is the potential- but the Selectmen do not believe it will come to this- to lose Flood Insurance.

- **Excavation evaluations-** - Scott Grant did evaluate Glen Aggregates excavation and stated they are doing some excavation on the right side. There is no marking of the area. He has not made it to LA Drew yet

7.Next meeting: Working Session August 20, 2024 if needed next public session September 2, 2024

Motion made by David Patch seconded by Kevin Bennett to adjourn Vote unanimously to adjourn at 7:13 PM

Informal discussion between the Planning Board and Stan Szetela (role as a Commissioner for the Lower Bartlett Water Precinct) Scott Grant proceeded to explain the history of the Planning Boards desire to write some type of ordinance to restrict any sewer development to be strictly inside the LBWP boundaries and not outside. The reason is the state is getting very close to passing some sort of legislation to allow up to 4 houses on any acre of land where the sewer goes by. If sewer goes by a property, he believed the house is mandated to hook up to the sewer. He voiced the board's concern that someone outside the precinct will have an acre of land and then build 4 houses and there will be an inflow of STR's. This board understands that Conway and North Conway is developed the way they are because they allow more density if you have town water and town sewer whereas Bartlett does not. He used Cedarcroft as an example stating the development does not have more density because they have town water or if they had town sewer. This is an important piece of our discussion going forward because Bartlett is more restrictive than the state for a septic system. If you have one acre of land in North Conway the state allows for a 4-bedroom septic whereas if that same acre was in Bartlett it would be a 3-bedroom septic- the septic is 75% of what the state allows on a buildable lot. The board has been toying with the idea and he believed that the public may have seen a letter that the Boards (Planning and ZBA) put out and the LBWP may have received a copy regarding their concerns about having town wide sewer. What we learned tonight was that if we make a motion tonight or have some type of ordinance to restrict sewer outside the precinct, we would have to have a public hearing next month on that and it would supersede that action. Now we learned it was 120 days before the March meeting so tonight is not a great rush to get this done. David Patch stated that everybody is well aware of the importance of protecting our water. That is a given or we would not be here. Our concern is if the state does pass a law that says the have the right to basically negate our zoning ordinance. If you read the Master Plan the preamble says we basically try and keep Bartlett as rural and countrified as possible. He admitted

with progress he knew that is hard but if you place 4 homes on an acre instead of 1 that is not in keeping with the Master Plan. He did not want anyone to think that they were not in favor of protecting the water. Stan Szetela (public) brought up the new development at Cedarcroft Farms. Scott Grant stated that David Shedd did a test pit evaluation on the soil and if you were to apply the same law there could be 90 residences on the property. David Shedd stated that he wanted to be clear that the board did not want to be in an adversarial position with the LBWP and they actually have a more restrictive zoning ordinance and we understand that you have the right to do within the precinct what you want but we would rather you did not bring sewer outside the precinct boundaries. Vicki Garland (Selectmen Representative) stated that we are not opposed to the precinct nor the concept of sewer or water we are just trying to maintain local control and the state is forcing us to accept otherwise. Stan Szetela (LBWP Commissioner) reported he was new to this role and is trying to absorb all of the information. He stated all of the LBWP meetings are posted and invited the board to attend. He reported that Gary Chandler is a wealth of information and deals with Horizon. Vicki Garland (Selectmen Representative) stated that Gary Chandler does come to the Planning Board meetings and answers all of our questions. Stan Szetela (LBWP Commissioner) stated that yes, the first priority is the water- we have the best water – in other countries you have to drink Coke or beer. Vicki Garland (Selectmen Representative) stated that we do believe that a good way to protect water is having municipal sewer but we believe another way to protect our water is to limit the number of houses to be built on a lot and that is the approach we are taking. This is not in opposition to what the LBWP is doing but as a way to get a handle on what the state is doing. Norman Head (Public) from the floor asked if they were saying is the only way they can justify getting the sewer is to get the maximum number of hookups by having 4 houses on a line? Stan Szetela (LBWP Commissioner) reported the sewer project is in 3 phases spaced over 5 years. The first bid is going out in March 2025 which concentrates on the closest area to the wells. He reports that is approximately 600 homes. Vicki Garland (Selectmen Representative) replied that the state is making this proposal as a way to address the housing crisis in the whole state. In our point of view in Bartlett it does not address any housing crisis it just means more short-term rentals. Which is not good for water quality. Daymond Steer (Conway Daily Sun) Asked if LBWP was planning on going outside the precinct boundaries? Stan Szetela (LBWP Commissioner) stated he did not know the further phase where they were going. David Patch asked if the bond that the LBWP was going after is to complete what they have got to complete in the precinct? The money that you want to spend is on the project that is within the precinct? Stan Szetela (LBWP Commissioner) stated he believed so. The boundaries of the precinct were discussed. Pat Roberts stated that if he is a private resident of the

LBWP and have my own septic system will I have to hook onto the sewer of LBWP is that not correct? Even if my septic system is perfect? Stan Szetela (LBWP Commissioner) stated yes that was correct but not at your expense. You will be taxed via the rate for the LBWP. The program begins at your current septic system- that is where the hook up is. They will not bring it to your house. The hookup will not cost you. The usage has to be paid for. Joe Heuston asked about the boundary- East Branch down to 16A? He asked if this area will be done first? Stan Szetela (LBWP Commissioner) reported yes. Joe Heuston reported then Storyland is out of the precinct? So that was the issue- that is what the board was speaking about not only Storyland but the additional units at Cedarcroft Farms. It could be an additional 80 units if there was sewer. David Shedd asked about the \$20 million dollar bond and the grant that was obtained. He stated in total it is a \$40 million dollar amount and we are talking about 420 houses approximately. Stan Szetela (LBWP Commissioner) reported it was closer to 500 homes. David Shedd stated he did not understand how the statement was made that it would not cost anything to hook up? Stan Szetela (LBWP Commissioner) stated it would be best for everyone to attend a meeting and ask the questions. David Shedd reported that they wanted to stay out of the precinct business but also did not want the precinct coming over the line and having- Stan Szetela (LBWP Commissioner) stated there needs to be some communication here and people talking on both sides. He stated that Gary Chandler has better answers than I can come up with here as a layperson. Scott Grant stated it was all about PFA's but when it rains PFAs fall out of the sky. Stan Szetela reported that his insurance agent stated that there is going to be an exclusion on his policy because of PFAs. How that will be written he was not aware. He stated it was to cover themselves in the future because who knows what the next thing they will come up with. And that is why it is important to protect the water and the wells. As far as the dollars are concerned, he does not know how the billing will go water vs sewer. Various discussions in regards to the boundaries of the LBWP. It was asked if Fox Run and Birchwood's developments were or were not in the precinct. Stan Szetela (LBWP Commissioner) clarified that they receive water but were not voting members of the precinct. He stated he would be happy to bring a map of the LBWP to the next meeting and answer any questions. He stated he owns Intervale Crossings and he gets LBWP water but he is not in the precinct. David Patch asked was that because LBWP went outside the precinct for water? Someone mentioned that this was because of a franchise agreement. Scott Grant clarified that this is not politics it is local control at its best anywhere in the country and that is why we are so upset that people in Concord are telling us that if something goes by, we have to abide by their rules. And that is our big beef. He also stated that the folks in Concord live and work in the southern part of the state. They want workforce housing; they have a housing crisis. Concord had an idea to

help their housing crisis by instituting rules to increase workforce housing and affordable housing. That is fine for them but don't impose it up here because for us it means short term rentals. That is our problem. David Shedd stated that Louise Burns was able to obtain the latest franchise agreement. Louise Burns let everyone know that the AA to the Selectmen let the Utility Commission know the selectmen were not in favor of the franchise expansion as set up by the agreement. David Shedd stated it was important to know what the franchise agreement said- if the agreement stated only water or implied sewer at all the board could go ahead and see how they could deal with it. At this point the Otter transcription reached its limit and I was unable to record any additional comments. No additional notes are found.

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



Planning Board
sign in 08-05-2024.d



Public Sign in
08-05-2024.docx