

**TOWN OF BARTLETT**

**PLANNING BOARD**

**56 TOWN HALL ROAD**

**INTERVALE, NH 03845**

**603-356-2226**

---

**DRAFT MINUTES**

**PUBLIC SESSION**

**March 3, 2025**

**6:00 p.m.**

**Present:** Scott Grant (Chairman), David Patch (Vice Chair), Vicki Garland (Selectmen Representative), Michael Galante, Joe Heuston, Kevin Bennett, David Shedd, Pat Roberts (1<sup>st</sup> Alternate), Heather Forbes (2<sup>nd</sup> Alternate)

Meeting called to order by Scott Grant Chairman at 5:59 PM

**1.Pledge of Allegiance-** led by chairman

**2.Discussion of application/new business:**

Prior to the meeting beginning the chairman let the public know that the board has 7 members and 2 alternates. He introduced the two alternates to the public.

- **Cedarcroft Farm LLC (Map 1THORN/Lots 54L00 and 42L00)-** Continuation of project: BLA between the Martyn (Robin and Todd) land Tax map 1THORN lot 42LOO and Cedarcroft Farms LLC Tax Map 1THORN lot 54 L00; subdivision of the property owned by Cedarcroft Farms Tax map 1THORN lot 54L00 into the 33-unit PUD. Andy Fisher Ammonoosuc Survey was unable to attend due to Jury Duty. His email as read for the record. "Nothing much on the Cedarcroft front. I have Plans which are just for the BLA & the Farmhouse Subdivision which may be delivered today. At the State level, both the Farmhouse and the PUD Subdivisions are being considered together. We have a couple of lingering items with regard to the State and have not received Approval yet. So, I don't believe the PB can grant final approval yet. Conditional approval might be satisfactory for everyone at the moment though. We are still going through the Engineering process regarding the turn lane on Route 302. The winter weather has halted the fieldwork we need to complete to provide HEB with all the information that they need to do the design work. Given that I am occupied down in Ossipee and that there is not anything pressing to discuss with the Board, I hope that this email provides the Board with a sufficient update." Board accepted the email update. David Shedd asked if it was possible to approve the BLA tonight? David Patch concurred that it could be done in one meeting. David Shedd did point out that there was one component on the plans that needed to be rectified- on the northwest corner of the lot needs to be closed off. Between the farmhouse and the neighboring lot. The two corners need to be connected. It is something to note but necessarily something to hold up the approval. It was noted that the shed is gone but the farmhouse is still in place and there is no need to move/remove it. Kevin Bennet interjected that the line needs to be in place on the plan because the footage is listed as 346 feet and who knows when you want to register this at the county level, they may want to see the line all the way over. David Patch stated that they could conditionally approve the plan. Scott Grant felt there wasn't a reason to sign the mylar out of session if approved

because there is a need to review the plans for completeness. Motion made by Michael Galante seconded by Joe Heuston to accept the application for the Boundary Line Adjustment Vote unanimously for acceptance. Motion made by David Patch seconded by Vicki Garland to conditionally approve the boundary line adjustment (Surveyor needs to make sure the line indicated by David Shedd is closed) vote unanimously to approve the Boundary Line Adjustment. David Shedd stated that the agenda has Robin/Todd Martyn as the owner but the plans indicate Paul Doucette as the owner. Mr. Doucette indicated the property was just transferred to him and the drawings are correct. Motion made by David Patch seconded by Vicki Garland to continue the Cedarcroft Farm subdivision till April 7, 2025 vote unanimously to continue.

- **Jason Brown (Map 2RT302 Parcel 161L00, 165L00 and 170L00)**- update regarding application. Andy Fisher Ammonoosuc Survey was unable to attend due to Jury Duty. His email as read for the record. "I believe that Brown has conditional approval as of my last meeting in attendance. Final Approval will come once the road is built and approved by the Town. I don't know why it would be on the agenda any longer as there will be nothing to add until the road & associated work is completed. If there are outstanding questions, please let me know. Otherwise, the Board gave conditional approval which means Jason can start working properly on it. Given that it's winter, he hasn't done anything yet." David Patch indicated that the board gave conditional approval so when the conditions are met then we can put it back on the agenda. However, the board decided to leave the item on the agenda so there would not be any issues regarding re-notifying the abutters. Motion made by David Shedd seconded by David Patch to continue this item till the April 7, 2025 meeting vote unanimously to continue.
- **AMSCO (Tax Map 5STLNG Parcel 000G00)**- subdivision of Block G (Phase 1) in Stillings Grant- extension of Cave Mountain Rd and 1 lot for system pump storage tank. Mark Lucy (retired from White Mountain Survey and Horizons Engineering) presented for AMSCO. Scott Grant acknowledged that road plans were obtained by the board via email and it was hard to read but the board appreciated them. Mark Lucy indicated that Rotten Rock Enterprises was also here. He provided the history that in September 1989 a master plan and agreement was approved by the board which called for 40 units in block G. He is here to discuss phase 1 in Block G that are units G1-G11, G27, G32 and G37 and a parcel as non-buildable lot where the water supply storage tanks and mechanical equipment will be located. As per the master agreement the water system needs to be brought up to the fire chiefs standard for water storage before going forward in development of Block G or beyond which is included in the corrective conditional preliminary approval for Stillings Grant subdivision as recorded at the registry of deeds. He would like the board and Burr Phillips to consider approving the road in all of Block G even through phase one does not involve all of Cave Mountain Road as it comes to the intersection opposite G11. But the water system throughout Stillings Grant needs to be connected through Block G to the tank lot thereby making it a closed water system including chargeable or live water hydrants. We have prepared and submitted unit density calculations both DES and the Town of Bartlett minimum land area requirements. David Shedd stated that normally the board looks for minimum land area per lot and this is different as with a planned unit development you could potentially use the whole lot itself. He asked if they were looking for density from all of Stillings Grant property or are you looking at the minimum land area just as it relates to the land within phase one of Block G? Mark Lucy replied that they reviewed and calculated for the entirety of Block G and the immediate adjacent common area. He just wanted to make sure that when Phase 2 of Block G is presented that the groundwork had already been in place. The original approved 262 units covered the entire 506 acres. That is a unit subdivision, planned unit development but markets change and at this time we are proposing only 37 units of the original 40 units approved. However, Phase 1 is just up to the intersection where Cave Mountain Road loops back onto itself. Pat Roberts indicated that the fire structure that is supposed to be installed and functioning prior to any development or building. I do not remember the exact wording but this is what I remember. Mark Lucy did concur that according to the prior chief that is correct. Scott Grant

asked if they applied to DES to extend the water and Mark Lucy replied it was in the works. He was asked where the application was now and the answer was under review with the state- he did not have an exact status report. The board and Mr. Lucy concurred that building could happen up through Block F but none in G until the fire suppression/water system was in place and functioning. Mr. Lacy did state that completing the water system up until now was a costly endeavor and it had been delayed as long as it could be but again stated that the fire suppression system needs to be in place and usable- there are hydrants there but they need to be hooded as they are not active. David Shedd stated that the board was familiar with these plans as AMSCO did apply for Block G in the past but stepped back to Block F. However, this may be within the business plan rather than regulations, but the board felt that lots should not be sold in Block G until the water system is approved. If that is not the case the board would prefer to know sooner rather than later. Question- would it be a problem to you if the lots cannot be sold until the water system is tested? Alec Tarberry spoke on behalf of AMSCO- He stated basically that the plan was that houses would not be built till the water system and fire suppression system was in place. Because it costs so much money to put all this stuff in our hope was to start selling lots and have money coming in the door while construction takes place if approved by the board. We hope to begin selling this fall and no one will start building right away. By the time someone would start building potentially a year from now everything would be done. David Shedd commented that he would prefer that the lots cannot be sold until the systems are in place. Part of the problem is this is a 35-year-old project and there have been people come and go from both AMSCO's side and the Planning Board and I would like to have a line that we both understand. This issue of the water lines needs to be resolved. Alec Tarberry replied that the concern was if we are in the middle of the process and there is a catastrophe now there are lots that have been sold and the water system is not done. He asked if this is where the bond comes into play to cover that? Scott Grant clarified that the board will have to eventually make a motion to accept the application because it is a new application but he wanted to discuss Block F for a minute. He stated that Block F was "already stamped as a town road" but has the town signed off on it and said it is a legit town road? I do not think the board can move onto Block G without Cave Mountain Road being a town road. He asked Vicki Garland and she replied that she was referencing the Selectmen's meeting minutes from last Wednesday where it stated the Selectmen have an issue with conditional approval indicating that no lots are to be sold until the water issue is resolved as stated in the plan that was referenced. Not sure if the only item left on the road from Block F is paving. Burr Phillips stated that a bond for the value of the road and water construction typically allows to sell a lot because then you have the money to go ahead and build the system if they go bust or whatever. David Shedd raised the concern that if the water line is there, lots are sold and houses built but the road is not approved this is a situation that the board is trying to avoid. Burr Philips conceded that was a good point and he stated that the road in Block F is not completed yet and the road design shows a different design then what was approved in the past and the design that is shown on the Block G plans. If the road is completed in Block F as approved and we go ahead with Block G there needs to be some logistics there. There may have to be some way to amend Block F approval or have Block F and G approved together otherwise you will have two approvals that show two different things. Alec Tarberry clarified that at the end of Block F the road as it comes up where it hits Block G needs to be raised up a few feet so if we finish Block F it is for nothing because we have to go back and raise it again for Block G. If we could go back in time it would have made sense to do Block F and G at the same time just to get it all done at once. He stated that the road in Block F is about 98% done. Burr Philips clarified that approximately 600 feet of the 800 to 900 feet of road is done after the 600 feet it is mostly clearing but no excavation or upgrade. David Shedd interjected that when the road design for Block F was presented several members of the board cautioned that stopping the road in the middle of the hill would be an issue but AMSCO decided to proceed with it. One of the things that I am a bit cautious about is Mark Lucy mentioned that the waterline application was in review. I know the

clerk asked Horizons for the number of the application. Have you applied to DES for the waterline expansion? Alec Tarberry replied there has been a lot of back and forth with them but he did not know if the application has officially been made yet. He clarified that the application has definitely not been made yet. We have been back and forth with DES on it but we have not actually seen their final design yet. David Shedd asked who actually was doing the design as DES does not do the design only approves it. Alec Tarberry replied Horizons is doing the design. David Shedd asked why Horizons would not send us the information that we requested last week as it was just an application number? Alec Tarberry replied that he did not think that Horizons actually applied yet. Scott Grant replied he received information from another party that either the water design was applied for or it was in the works- he was not sure which. David Shedd replied that this is a cause of concern because AMSCO is coming to the board with a plan that has no water line design and it seems premature to him. Mark Lucy stated that they were here to determine if the application was complete enough to be accepted then to carry on with discussions like this. Michael Galante remembered that at one of the previous meetings the board spoke about the tank and the water needing to be tied together before proceeding. He concurred with David Shedd's concerns. He would like to see the water system completed. Mark Lucy asked if this is what he wanted prior to marking the application complete? Michael Galante answered he would like data that the application was in progress. David Patch made everyone aware that under our present regulations the Selectmen make the final approval on the road. Mark Lucy referred to past meetings with Burr Philips indicating that waiver requests were made and there was no expression of issues with the four waivers that were requested. The design is based on that. He believed that the Planning Board voted on each of the waiver requests so the design could proceed. We have been proceeding under the impression that the road waivers have been approved, the design has been completed and is now ready for Burr Philips review beyond Block F. David Patch stated he had no issue with Burr reviewing the road design as it has to be done anyway but he will find the letter and read it again but he felt that between the Planning Board and the fire chief a line was in the sand not to proceed beyond Block F. As far as selling lots I understand and I would want some money coming in but we are bound by the agreements that we made. David Shedd educated everyone regarding the waivers- when the waivers were granted the Planning Board had purview over the road design. However, the Selectmen now have that responsibility. A few of the waivers had to do with maximum grade and we allowed for changes in the maximum grade for a certain distance and I hope the new road design takes that into account. If the grade is 12% you take into account that you cannot go 12% indefinitely. These are things we need to talk about but this conversation can happen after the application has been accepted. We do have certain concerns and are pretty determined about certain things especially the water line and the crossing of the gully. He explained there is a gully in the road where the culvert is 25 to 30 feet deep and 150 feet long. Not only that you have a 75-foot culvert coming directly under the road bed and the road bed is proceeding at maximum grade over that culvert. That is a big issue if something needs to be done as it is not an easy process to build a road under these circumstances. Scott Grant asked Burr Philips if he got the road design 2 days ago and has he had a chance to review it? Burr Philips replied that he took a quick glance but there will be a more in-depth review along with a list of items to be addressed. Some of the list are actually regulations from prior to 2022 that have been updated. The culvert as is- is a major issue that will take some thinking between all of us to work out a better plan than what is there. The culvert is 30 feet deep and if it gets clogged you need someone to maintain it and you will have to dig 30 feet down going back how far and that will impact any houses beyond it will have no egress from the development. The first thing to think of is how to handle Block F and G together whether there has to be some type of amended approval to Block F road wise one way or another. Pat Roberts asked if they knew what the bonds were for as you described- was it for the water system as well as the road value? I mean if the bonds were enacted in 1989 for a water system that may have cost \$50 grand then it may be \$250 grand now. Burr Phillips answered there was an

evaluation for the water system (in terms of a bond) for Block F but the water system ends at Block F. There is no bond for work beyond that. With this project presumably there will be a new bond, an additional bond that will cover the cost to build water lines up the hill and the tanks. The bond has to cover the whole infrastructure, road, water system before they can sell a lot. Kevin Bennett said when Sheila Duane was here about 2 years ago, she had receipts for tanks. The board asked about an engineer and AMSCO replied they were working on it but we have not seen anything since. Alec Tarberry commented that AMSCO has had a difficult time getting on the water engineering divisions schedule. They were hoping to have this design completed 6-12 months ago. The tanks were bought but they were bought without consulting with a water engineer and as a result they are not ideal and have to be modified. We do own them and we have been paying rent and interest on them which has been a big burden. The plan is to install them right away. I know the board has concerns about having them in place before lots can be sold. He indicated to spend all that money up front without being able to sell a lot would be a huge risk. It may cost \$2 million dollars and to do all that work without selling lots is not a risk I am sure we want to take. We may not want to do Block G. Joe Heuston stated that the water is tied into the hydrants so it is a risk they have to take. Scott Grant clarified that it is only if they plan on developing Block G- Block F does not need the water until they develop Block G, even if it is ready to go. His question was regarding the tanks- he asked about the size of the tanks- was is 120,000 gallons or 90,000 gallons? Alec Tarberry clarified that the chief back then said the tanks needed to be 120,000 gallons but at that time houses used more water and now we have low flow everything so water usage is less. If we were to put in that large a tank the water would go stagnant. After review and discussion with everyone involved it seems that 90,000 gallons is a better fit. Once we have a design that everyone is comfortable with (AMSCO/Rotten Rock/Stillings Grant Association) we will submit a plan to the board for approval and for the fire chief's approval. Pat Roberts made everyone aware that there needs to be a minimum fire flow (certain number of gallons for a certain fire flow for a certain number of minutes) to be acceptable taking into account exposure, the size of the houses, content and construction. Alec Tarberry stated that Horizons water division should have a first draft of the plan any day now. The tanks bought are 4-30,000-gallon tanks and they are still in Massachusetts Tank where they were manufactured and the plan is to use 3 of them. Pat Roberts made AMSCO aware that they will have to have an engineering plan showing that the 3 tanks will provide the minimum fire flow that is required. Burr Phillips stated that the NFPA- one dictated the size of the water tanks. The majority is based on fire suppression but another portion is usually a days' worth of storage for domestic order use and that number has gone down. David Patch commented on the road- since the final approval has changed and the Selectmen now give final approval, he suggested that AMSCO make an appointment with the Selectmen regarding the road design. Scott Grant further commented that he is not afraid to accept the application however you need to have a "town road that you are coming off of". Right now, you come off of an issue with Block F into Block G and that is up to Burr Phillips and the town to approve. Vicki Garland clarified that the Planning Board can make a condition of approval that there is a bond for the water tanks-paperwork to be filled out in the Selectmen's office. Mark Lucy spoke about the design plans for Cave Mountain Road through Block F on the road revision date of April 29, 2022 sheet 3 reference sheet C the construction note references that the design for the paved road for Block G begins at station 725 so the first 625 feet are in Block F. Scott Grant mentioned that if they did not go into Block F the first 125 feet that was dugout was to be a cul-de-sac that was not done. It is just roughed out. AMSCO concurred that was the case. Scott Grant further clarified that the first 600 feet of Cave Mountain Road is good to go regarding elevation and part will be in Block G. This is a concern of the Selectmen- restated the Planning Board does not have control of the road design. Alec Tarberry clarified there is a scheduled meeting with AMSCO, Burr Phillips and the Rotten Rock team to review the details on Thursday. Mark Lucy added there have been no changes to the road design on Cave Mountain Road from station through the entire length since 2016. Before voting



on the application David Shedd asked if there was a copy of the state subdivision approval? Mark Lucy replied the application was presented but the approval has not been granted yet. David Shedd replied it is required from the checklist. Alec Tarberry asked if the board received a copy of the application- Clerk stated it came electronically. Mark Lucy stated on the DES application the water system approval is pending. Scott Grant educated everyone that if the application is accepted the board has 65 days to have a public hearing and then we can continue the application. Alec Tarberry expressed understanding of the system and stated that the last lot in Block F is slated to be sold next week so we are bearing down on Horizons to get the water system designed. He stated he spoke directly to the owner of Horizons and they promised to get the design to us this week. That leaves us with between a week to three to get it finalized and then Jim Wilson and the association still need to review the design. We should definitely have it finalized by the end of March. David Shedd asked Alec Tarberry when AMSCO applies to DES for the extension of the water system could he send to the board a copy of the application- Alec Tarberry agreed. Pat Roberts asked a point of clarification- it was mentioned this is the new Block G and not the old Block G. Does the approval for the old Block G need to be negated before we proceed? Scott Grant stated there was never an approval for Block G in the past so we can proceed. David Shedd asked even though this is phase 1 of Block G you want approval of the road through all of Block G. Why are you dividing up Block G if you are doing the whole road design at once? Mark Lucy answered that the water main for the entire system passes through Block G so it makes sense that when you start the project you complete it; but the sales don't dictate that approach. We are showing Block G like F a piece at a time. I am trying to get Burr Phillips to look at this design in its entirety and the water line is going through the right of way on Cave Mountain Road. Alec Tarberry explained that AMSCO only sells, depending on the economy, about 3 to 8 lots a year (10 in a good year). If we did all 37 lots at once then it would be years of paying real estate taxes and HOA dues on the unsold lots. Burr Phillips asked Alec Tarberry about the bond- will the bond cover the whole road or only phase 1 to the intersection? Alec Tarberry stated he would like to break it into bonding the water system separate from the water. The water system is to be completed beyond the intersection so the road bond would stop at the intersection and the water bond would cover beyond that. So, if there was further development the water system would not be in question. David Patch stated he did not have any issues with bonding the water system separate from phase 1 of the road-I think it would be pretty easy to get both bonds done and like you said if something happens and the rest of the block is not finished at least the water system is complete and the residents there would be protected. Vicki Garland stated the bond is reduced for Block F but it still is in existence. Burr Phillips replied that the road in Block F till about 600 feet is pretty well built except for paving. There may be a few bucket list items to complete. Pat Roberts asked if the road would be brought to town meeting for the voter's acceptance and Vicki Garland concurred. Scott Grant clarified that the HOA has to bring the road to the Selectmen or the voters to have the town take over the road. David Shedd asked AMSCO how the holding tank is filled? He stated it is not filled by the water line going to it and is there a pump house behind Parker Ridge? It was decided that work needs to happen at the end of Block G loop that has to accommodate that fill line. Alec Tarberry clarified that as a part of Block G the design has a permanent access for the association to be able to come from Block G to that existing upper pumphouse for maintenance and stuff like that. Scott Grant asked the board if they wished to approve the application and begin the clock? Vicki Garland commented it seems to her that it was not in AMSCO's best interest to approve the application and wait a month to allow them to get the engineering design in place. Alec Tarberry responded that he was confident that Horizons was actively working on the design- there has been one particular engineer that has been working on the design for three weeks and is almost at the finish line. Motion made by David Shedd seconded by David Patch to accept the application as complete. Vote unanimously to accept the application. Motion made by David Patch seconded by Joe Heuston to continue this application on April 7, 2025. Vote unanimously to continue.

**3. Review and approve minutes of February 3, 2025-** Motion made by Kevin Bennett seconded by Joe Heuston to accept the minutes of February 3, 2025 vote unanimously

**4. Administrative Report**

- **Burke York-** Has a development on Skyline Drive needs information regarding a driveway impact and condensation of 9 lots to 3. Burke York from York Land Services presented the project. He introduced Dennis Egan and Megan Mallett Scheid who own 9 lots off Skyline Drive. He gave smaller copies with yellow that identifies the lots they own and blue indicated the neighboring abutter. The larger copy is the current tax map. The first surveyor plan is the current state of the subdivision with the wetlands on it. It shows the road that went into the subdivision currently called roadway D. The end result is to take the 9 lots and road and condense it down to 3 lots. There are some hurdles to get there. This is a conceptual hearing to make sure we are on the right path so when we do come before the board it should go nice and easy. David Shedd asked if these lots are all town lots of record and get their own tax bills? Burke York replied affirmatively. He continued that if you look at the surveyor plan, I show you the lots that we want to condense- I have something that says line to dissolve. We would take the upper three lots 8-11 as one lot. You can see that the lot right next to the drive is mostly wetland so the most usable land is that 8 and 9 lot. We would do the same with lots 7 and 6 and then lots 5 and 4. There is one more we call the out lot in the corner. Scott Grant asked if Frances Duffy has driveway access off of the road? Burke York replied that the main access is off of Skyline and there is a knoll next to the house. When you look at the plans there are some contour lines that are circular in nature which is the knoll. When the contractor did Skyline Drive there was fill put there and that is the mound. Sometimes they drive around the end of the mound to get into their back, so they use it like an access. David Patch asked if the Duffy lots are existing lots of record and stated you can have 3 lots on a driveway. However, it was made clear that the Duffy's driveway is off Skyline. David Patch clarified that Roadway D is not a road but a driveway. Burke York wanted to make sure the project is on the up and up. He showed the board that the Duffy house was built over the two property lines, even though they own 2 lots they are kind of merged because they built the house on 2 lots and the access is off Skyline Drive. We want to reconfigure that driveway to serve three houses. We do not need the big cul-de-sac at the end- it is wasted space. David Patch asked how far it was from the beginning of the driveway till the cul-de-sac stating if it is 500 feet you need a pull out for emergency vehicles. Burke York reported it was way less than that. Burke York stated they still wanted to allow the Duffy's access to the back lot but emphasized it was not a primary driveway. Could we have three lots plus that access via easement on that driveway? David Patch replied no then you have more than three driveways off the road then you have to build a town road. Vicki Garland asked if the Duffy's have any access to the back lot from Skyline Drive or is the only access from the driveway? Burke York replied he did not know he would have to follow up on that. Before we get the neighbor all riled up, we decided to speak to the board for guidance. Vicki Garland replied that when the town assessor goes out with the town administrator and it is apparent that the Duffy's are accessing the backlot via the driveway it would be a big problem. The board is trying to avoid that. Pat Roberts asked if the dirt or berm is where the septic is? Burke York replied he did not know. David

Shedd asked on the plan marked in blue what is the dotted line in the middle of the driveway? Burke York stated that Duffy because of the subdivision and state statute or case law they own to the center of the street. The Duffy parcel was conveyed out in 1975 and they technically own out to the center of roadway D. To complicate matters the subdividing company sold the roadway to my clients. David Shedd asked if you were to move the driveway from the middle of the plotted road it was moved to the side- Burke York replied it was wetland area. New Hampshire is not super excited about crossing wetlands- Greg Howard has picked the narrowest spot to cross. Scott Grant asked about the deed as the Duffy's were there first? If his deed says he can access via the two lots you will have a problem unless you can get a quit claim deed or something. Burke York explained that the original subdivision was Foley Corp which sold the Duffy lots to Joseph and Bernadine Foley. You would think it was the owners or family- anyway it is worded that lot 2 and 3 block 1 and the right to use the roadways- it does not specify which one. Joe Heuston clarified that the lot line runs down the middle of the road- it was designed as a road for the subdivision and we are turning it into a driveway. If there was a development by you hypothetically there is a land locked lot for the Duffy's. Burke York explained that the Duffy's built the house over two lines and even though there are two lots they actually kind of merged them because they built over the line. Joe Heuston stated that hypothetically if I had a lot of money could I tear down the house and build 2 houses on the land? Does the lots support 2 houses? Burke York explained that conceivably we could build 9 houses as we have 9 lots of record and the town could not do anything about it as the lots approved by the state. We have community water and sewer. Joe Heuston circled back to the possibility of tearing down the house and putting up 2 houses. The question would be is there access for house number 2? He further stated that Burke cannot give access because he already used his three accesses. Burke York explained they only wanted a driveway because it costs money to make it a town road. He thought there were 2 choices- eliminating a lot or talking to the neighbor and trying to work with the neighbor. He was unable to come up with any other choices. Vicki Garland stated that according to the tax map there are two separate tax bills. It would be very easy for them to sell the lots as separate lots and the one lot needs access to the roadway. I am thrilled that you want to condense the lots from 9 to 3 and I hope that we can figure out a way to make it work. David Patch asked if the lots would support a boundary line adjustment to make one smaller and give some property back to another? Burke York stated that the back lot was 17,000 sq.-ft and the front lot is 15,000 sq.- ft so they don't come close to the regulations. David Patch asked Burke to get the New Hampshire ruling if the owner builds across the line it is now one lot and if that is the case then he doesn't have two lots anymore. Then you are set with three houses on a driveway. Dennis Egan explained that when the sewer went in there was extra fill from the sewer and the Duffy's placed a berm and blocked themselves from access to the driveway (Roadway D). Burke York asked if the board was amenable to a waiver for homes greater than 3 bedrooms? Vicki Garland explained no but you have to apply get denied and then go before the ZBA. The denial does not seem helpful but it is your next step forward to getting that waiver. David Patch commented that the best situation would be if the Duffy lots were actually just one lot. Burke York asked the board for their opinion if the Duffy's merge



the lot because they are not doing anything with the lot. If we talk to them and say they can physically merge the lots here at the town and potentially save some tax money or I get a ruling on case law on the house over the line and what it means for the two lots? Would the board entertain part time non-access like you explained? David Patch explained we cannot give permission for that. Burke York presented another surveyor drawing stating that it was the same as before without the cul-de-sac at the end and the wetland crossing. His question to the board was this is still a lot merger but with a change of the roadway from a 66-foot-wide to a 54-foot-wide right of way just for the driveway minus the cul-de-sac then we will have our access points based on that. David Patch advocated that this should be the plan used and it would be a voluntary merger for everything with some lot line adjustments. Joe Heuston asked why they needed a 66-foot driveway instead of 40 foot? Burke York explained that due to snow and the water/sewer we decided to use 54 feet. This is to get to Skyline where the shut off is. The Duffy's have 33 feet off the property line would be where the boundary line is based on the original subdivision plan. Even though the Duffy's don't know or care that is the way the law is. David Patch explained that this is a voluntary merger, the subdivision still is valid but the owners can voluntarily merge the property. Burke York asked about the bedroom count- there are 9 lots and since it was before 1984 conceivably we could do a 3-bedroom home on each lot in the town of Bartlett's eyes? We want to make sure we don't have an issue that since we merged the lots we could entertain a larger home then 3-bedrooms. David Patch educated Burke stating that before you voluntarily merge something remember as soon as you merge them you are bound by the new regulations because the lots are not what they were. You don't have a lot of record from 1970 what you will have if you voluntarily merge is a lot from 2025 and each of those lots will have to go by whatever the regulations for septic are now. Burke York stated that each lot is a lot of record and conceivably they could build 9 homes with 27 bedrooms. David Patch stated no because they would look at the plans and see what kind of system could be placed there and what kind of damage can occur? It is not guaranteed that a three-bedroom would go on each of the lots. Joe Heuston reported that there is enough space with the 2 lots and there will be a sewer. Scott Grant replied that it did not matter the Planning Board does not discount for sewer. David Patch asked if he built on lots 4 and 6 would he get NH approval for sewer. Burke York replied yes because NH standards are less stringent but it does not matter because it is municipal water and sewer so the state of NH is not part of the equation. Now we are back to the stricter standard which we agree with and we agree that a bigger lot is nicer however there is a negotiation to occur. Could you work with us and have a 4 or 5 bedroom on each lot? David Patch replied the Planning Board does not have that right. We can only approve what is in our current regulations. David Shedd asked what the North Conway Water Precinct has to say about this? Burke York replied he contacted them and the water is shut off at the end of the street- it was designed for 9 lots for water and sewer. Our first phase was the Planning Board. He is not saying it is pending but we have not done anything. The prior owner was in discussion with them. Burr Phillips interjected that North Conway Water Precinct treated that whole subdivision as one lot- they used a 1-inch water service and a 6-inch and Dennis is aware he has to upgrade. Scott Grant asked if test pits were done- Dennis

stated that he will do so if he has to. Burke York stated that they were already lots of record with municipal water and sewer so test pits are not mandatory. Vicki Garland replied that you have to follow the Town of Bartlett's rules and regulations on septic and the town does not give you a cushion for town water or sewer. Burke York replied that he knew the Bartlett soils are based on the SES soil types. If he has to do a test pit to determine the soil type and see how many sq. feet is needed no problem. But to do a test pit for septic there is no reason as we have municipal water/sewer. We are taking lots of record and making them bigger. David Shedd informed the board that he witnesses test pits for the design of septic systems not for lot consolidation or subdivisions. He does not believe that they will need a test pit. Scott Grant asked if he could get a test of the soils and let the board know if the lots support a three bedroom. Joe Heuston asked what the town's requirements are to put 3 four-bedroom houses on the lots? Board replied minimum land area requirements. Burke York replied that we are back to the point if he is better off as it is pre 1984 to get a building permit and build a three-bedroom home without doing anything on any of the lots right now. We can dismiss lot 11 as it is mostly wetland but there are still 7 lots that are buildable. Pat Roberts pointed out that if you went that way you would have to build a town road because there would be more than 3 homes on a driveway. Burke York replied that if he builds only 3 3-bedroom homes if we consolidate why can't we increase the bedroom count? Board replied that they were okay with many of the points but the Town of Bartlett has hard and fast rules, it is black and white with no shades of gray. Scott Grant proposed that they stay with the plan, do the specs for a town road and see what the soils tell you. One solution is to come back to the Planning Board and we can deny you and you can go to the ZBA. We would want to see how many bedrooms these new lots can have. Dennis Egan stated if the Planning Board denies him and he goes to the ZBA but does not like what they say can he come back to the Planning Board? David Patch replied no because if the Planning Board denies him it is because of hard and fast rules. He sees the process as follows- there are 9 or 10 lots that you want to condense to 3- we like that. But the issue is when you want to build. You have to apply to the Selectmen for a building permit and if they deny your design you go to the ZBA. David Shedd asked for clarification as to why they narrowed the right of way from 66 feet to 50 feet. Burke York explained that the 66 foot right of way was not needed for the three houses with the water and sewer lines. David Shedd asked why you did not use the opposite side? Burke York stated it was because of the wetlands. Burke York thanked the board and stated he is now aware of what he is to do and will come back next month.

- **Major Impact Wetlands Permit-** Attitash Mountain Service Co. LLC (Tax Map 5STLNG Block G)- 6 Wetlands crossings/impact areas for proposed subdivision of Tax Map 5STLNG Block G Continuation of residential community at Stillings Grant
- **Expedited Minimum Impact Permit Rocky Branch Bank Stabilization-** Town Project- Stabilization of eroded bank along Rocky Branch Brook. Vicki Garland presented. She is concerned about the timeline because NRCS is losing staff. She reported that they are not saying it will not get done but that it will take longer and they are supplying like 75% of the funding

- **Expedited Minimum Impact Permit Waterfront Road Bank Stabilization** – Town Project- Demolish 2 large boulders and use to stabilize the eroded bank riprap will be used if needed remove existing debris. Vicki Garland presented. She is concerned about the timeline because NRCS is losing staff. She reported that they are not saying it will not get done but that it will take longer and they are supplying like 75% of the funding
- **Expedited Minimum Impact Permit Application-** Town Project River Street Berm Bank Stabilization Bank Stabilization using riprap slope protection with additional slope and sediment controls as needed. Vicki Garland presented. She is concerned about the timeline because NRCS is losing staff. She reported that they are not saying it will not get done but that it will take longer and they are supplying like 75% of the funding
- **Expedited Minimum Impact Permit Application-** Town Project Cobb Farm Road Bank Stabilization- Damaged bank stabilized using riprap slope protection with additional erosion and sediment control methods as needed. Vicki Garland presented. She is concerned about the timeline because NRCS is losing staff. She reported that they are not saying it will not get done but that it will take longer and they are supplying like 75% of the funding
- **Review of Senate and House Bills-** Information provided
- **Application spreadsheet-** ongoing project
- **Newspaper fees-** Discussion on how to proceed. The clerk discussed the newspaper notices. She asked other towns how they handle the newspaper publications of projects. She explained that most of the towns that replied said they do one publication within the timeframe as indicated by law. The applicant is notified that they will have the application published but they are not published again if continued. She explained that as part of the application the applicant is charged an \$80.00 fee for newspaper publication. The newspaper charges the town based on the size of the ad in the paper and the cost is approximately \$60.00 or \$78.00 depending on the size of the page. The previous way of doing things is I have been publishing all continuances and new applications monthly in the paper. The public notice goes on the website and public notices go up in Bartlett, Glen and Intervale post offices. What is the board's pleasure on how to continue? If they wish to go with monthly postings in the paper the clerk will have to figure out what portion of the \$80.00 is used and will have to have the applicants provide an additional cost. David Patch commented that if I am an abutter and get a notice and the notice is published in the newspaper it now is my responsibility to keep up with what is happening next. The board agreed to have a new application posted once as per the law then if it is continued it does not need to be posted again. However, the board did request that the clerk post this change in the appropriate places- Glen, Intervale and Bartlett post offices along with the website and at town hall. Clerk will post as requested
- Vicki Garland let the board know that Patrick O'Donnell from the UMass Boston contacted the Selectmen as he is doing his research thesis on short term rentals in Mount Washington Valley. She will be meeting with him via zoom. He has agreed to keep participants unanimous and confidential.
- Vicki Garland stated that Ron Munro asked if the board would consider impact fees on large developments like Cedarcroft Farms for the cost of fire, police and plowing. To do this the town would have to have a Capital Improvement Plan. She asked the board if

anyone was interested in helping her find out any information as this is a Planning Board function. Was this already looked at and the board decided not to pursue this option? Pat Roberts asked where does the funds from the CIP go- is it into the general fund or earmarked for something specific? Vicki Garland replied that on the Municipal website it is specific on the CIP funds- for example for so many miles of a new town road we would need X amount of trucks and employees. David Patch educated the board stated a Capital Improvement Fund has to be earmarked for a specific title and a specific use and can only be changed by the vote of a town. Pat Roberts asked if the fund is depleted would the cost be absorbed by the taxpayers? Answer affirmative but Vicki Garland reported that a good Capital Improvement Plan should eliminate and changes in cost. She continued with the steps- first you need to set up the Capital Improvement Plan then you need to write a Capital Improvement Plan Ordinance then it has to be voted on by the town. The fees will have to be determined for new developments to help pay for public facility upgrades. Board had mixed views on implementing this plan as they felt that the new owners will be paying taxes so why another fee? However, they are in agreement that more information was needed in order to make an informed decision.

- David Shedd asked the board their opinion regarding asking the Selectmen for an updated copy of the Land Use laws in New Hampshire as the copy we have is from 2017 to 2018. Board concurred that an updated copy was important to have in the office. Board asked the clerk to ask the Selectmen to purchase an updated copy from Nexus Lexus (cost \$126.00) for the Planning Board Office.

**5.Next meeting: Working Session March 18, 2025 if needed next public session April 7, 2025-** Chair will let the board know if the work session will be cancelled or not. Clerk reminded the board that the Master Plan needs to be reviewed

Motion made by Michael Galante seconded by Kevin Bennett to adjourn. Vote unanimous to adjourn at 8:24 PM



Board Sign in Sheet  
03-03-2025.docx



Public Sign in  
03-03-2025.docx

Respectfully submitted

Louise B. Burns

Planning Board/ZBA Clerk