

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

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**DRAFT MINUTES**

**PUBLIC SESSION**

**February 3, 2025**

**6:00 p.m.**

**Present:** Scott Grant (Chairman), David Patch (Vice Chair) Vicki Garland (Selectmen Representative), Michael Galante, Heather Forbes (2nd Alternate), Joe Heuston, Kevin Bennett, David Shedd

**Absent with notice:** Pat Roberts (1<sup>st</sup> Alternate)

Meeting was opened by the chair at 6PM. Prior to any discussion Scott Grant let the board know that Phil Franklin has resigned from the Planning Board. He explained that there was a full board and as an alternate Heather Forbes will not be voting.

**1.Pledge of Allegiance-** led by Scott Grant

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

- **Sewer warrant-** Discussion with the public regarding proposed restriction of sewer expansion ROUGH DRAFT Based on the Master Plan for the Town of Bartlett, which instructs the Planning Board to limit the development of uses not compatible with the rural character of Bartlett, the Planning Board proposes the following zoning amendment: Are you in favor of the following zoning amendment?

To amend Article VI-H Minimum Land Area Requirements, to add the following sentence at the end:

The expansion of municipal sewer connections beyond the boundaries of the Town's current and future precincts/village districts is **not allowed**, with the exception of allowing the Lower

Bartlett Water Precinct to connect to the two pre-planned crossings North Conway Water Precinct sewer system (as of the date of this amendment).

Rationale: Maintaining local control of zoning is the primary way to ensure the voters' ability to protect the rural character of the Town of Bartlett. There is the potential of losing that local control if the State of New Hampshire limits the Town's ability to determine the number of dwelling units permitted on buildable lots if those lots have access to sewer connections.

Scott Grant opened the meeting to the public at 6:02 PM. He read the warrant to the public for discussion. Vicki Garland clarified that the board is not opposed to clean water and wants healthy systems to dispose of sewage. The concern of the board is the state working on ways to take away local control of minimum lot size if there is access to sewer. The board feels strongly on maintaining the rural character of the Town of Bartlett as outlined in the Master Plan. The board tried last year to limit short term rentals and were unable to do so. This is a list of the upcoming bills in Concord and I want to read and summarize one- HB 459. The bill introduces a new section specifically addressing zoning ordinances, single family residences and lot sizes in relation to sewer infrastructure. It stipulates that for areas not serviced by municipal or community sewer systems, municipalities cannot mandate larger lot sizes that those required by the Department of Environmental Services for individual sewer systems. What that means is (if passed) that it does not matter if you are hooked up to sewer or not the town is not allowed to mandate a minimum lot size greater than 22,000 sq. ft. To explain if you have a short-term rental next door on an acre lot, they could legally put 3 more in there and the town would not have anything to say. What the board is trying to do is come up with a way to maintain local control and the rural character of Bartlett and Concord is making that very difficult to do. Regardless of what is being done in Concord the Planning Board and the Select Board are looking for the voice of the voter to say this is what we want in our community. We are not sure if we can do this because Concord is saying local control is not important anymore but we are working very hard in every way possible to make that happen and this is one way. David Shedd responded that it was important that the public be aware that the Select Board and the Planning Board are unanimously in favor of this amendment. He did voice concerns (in relation to changes in the town and the cost) but appreciated that Gary Chandler from the Lower Bartlett Water Precinct was there in the audience. Scott Grant informed the public that the board did receive legal advice from the town attorney in relationship to the article. The advice received was contradictory from the attorneys. Vicki Garland explained that the attorney who would defend us in court suggested that this may not be enforceable but the board would like voters voice to say very clearly what we want for our community. Bill 459 states that unless the town can provide empirical evidence demonstrating that community health or safety would be significantly compromised by taking away our right to control minimum land requirements then the state will mandate them. Concord is trying to address a housing shortage but what will work

in Manchester or Nashua will not work here. There won't be affordable housing for our police officers, firemen, or teachers but will be for folks investing in putting more money in their pocket but not necessarily investing in our community. Michael Galante summed up stating "Do you want Bartlett to look like North Conway?" Scott Grant explained that in Conway there is allowed more density for town water and sewer. To be clear the Lower Bartlett Water Precinct (LBWP) has the right to run sewer through their precinct area and that is not what we are talking about that. We are talking about expansion outside the precinct like Glen or StoryLand. The precinct already supplies water outside the precinct boundaries but you are not mandated to hook up to it but if sewer goes by then you are going have to hook up to that. David Shedd expressed the hope that the board is not contentious with the Lower Bartlett Water Precinct as he felt the precinct was responding to people outside the precinct having interest in sewer connections. He mentioned cost earlier and stated from memory that 14 members of the precinct voted to spend \$40 million dollars and there are 400 hookups. He asked Gary Chandler from Lower Bartlett Water Precinct to advised the board and public regarding cost and how the people would pay it back. Gary Chandler explained that LBWP has a 60% grant guaranteed and a 40% loan on the project. He explained that LBWP went out a least a year in advance to both the precinct members and the franchise members that anyone who received water from LBWP might be getting sewer from LBWP down the road. This was just to make sure we had participation from our voting public. Unfortunately, everyone knows that we don't have the participation anticipated and most municipalities don't have it. His summation was the LBWP is in good shape financially and there will not be a financial burden. They are aware of town zoning and LBWP also has zoning and he feels that the board is worried about something that might not occur for 5 years or so. LBWP plans on doing phase 1 and 2 first which will be a monumental undertaking. LBWP has designed for additional phases and they will continue to design for additional phases. There is no sense in putting in a pipeline that is now too small for the future and they will not do so. If it is potentially feasible for LBWP to move to another area which is the bone of contention- StoryLand. He expressed the understanding that the board was trying to protect the groundwater - however LBWP is only one aspect of the groundwater in this town- North Conway is attached to us and we are all in the same bathtub. He stated there is almost 60,000 gallons a day of wastewater that goes into the ground in StoryLand the times they are open. He asked the board if they knew where the water goes? Scott Grant responded it goes into the tanks in the parking lot and they are pumped and shipped to the sewer treatment plant. Gary Chandler detailed that it does not as the parking lot is full of aeration chambers which is a subservice disposal system. The only thing that goes into the pump chamber is overflow and solids. He explained that LBWP is not looking to service an area outside the precinct if there isn't a need and the wastewater from StoryLand goes into the ground which was targeted because it cannot continue because there are wells in the area. He mentioned Linderhof Golf Course which has fractured wells which is a drill type well but

groundwater contributes to those fractured wells. Everything starts at the top but it has to go down. He wants the board to slow up a little bit- he understood the board's concern about zoning and he stated that LBWP also has zoning ordinances. He explained that LBWP has been active in Concord with a lobbyist for the past year (this is in the budget by LBWP- cost approximately \$10,000.00. Scott Grant asked if the LBWP voters are aware and approved cost. Gary Chandler replied it is part of their budget and voted on yearly) to stay on top of potential legislation. He replied that there needs to be a combined effort between LBWP and the Town of Bartlett or Jackson to look at what is going on in Concord and stay ahead of it. Vicki Garland reported she had a conversation with a representative who is on the Housing Committee. The representative is very concerned because what works in Concord does not work here or any tourist areas but we are outvoted. It does not matter how many representatives we have here in our local small towns they will be outvoted by the southern part of the state. It will happen and will be probably less than 5 years so what does LBWP suggest we do? Mr. Chandler replied that we have to accept the fact that we will be outvoted but there are alternate things that we can do. He thought that as a group the Town of Bartlett and LBWP should work together to find a common solution. He feels that there should be a bigger focus on both the town and LBWP working together. David Shedd voiced concerns that once the sewer line crosses the East Branch River out of the precinct it was his understanding that people are compelled to hook up if the line goes by their house. If you like the idea of sewer you are basically compelling your neighbor to basically unhook themselves from their septic system and what about their water system? How do you bill for sewer if you do not know how much water is used? Gary Chandler replied he could hook a meter on to your well just as fast as I could set up a water service. It is state law since the 1800's to hook up to sewer. There is a waiver process with the RSA however the waiver process is focused around newer type approved subsurface disposal systems (which is the current state of affairs for a residential system). These are not a sub-surface treatment system. The waiver process looks at the age and type of system you have- a newer system you can probably get a waiver but there is also a date (he believes it is 1970's) where you would not be eligible even if the septic works well. Heather Forbes asked if sewer goes by your house and you are mandated to hook up is there a distance from your house to the sewer line where you are exempt? Gary Chandler replied there are two things to keep in mind- the state statute is 100 feet however the state law allows the jurisdiction which is the precinct or sewer company to increase or change that. In North Conway we had two parts- one was 400 feet or if a connection was provided. Example was Fox Ridge if you took the 400-foot distance they were probably outside the distance but we wanted them on the sewer system for obvious reasons so we added the connection caveat in there and the language has held up in the state Supreme Court. The Commissioners have to look at this and decide how far back do we go? Joe Heuston queried that this is one size fits all. I have a house lot that is an acre and someone can put a 4-unit apartment house next door. I do not want a 4-unit apartment house next to me. We cannot

maintain our zoning then in the town- now we have that if there is a 1-acre lot you can only put a 3-bedroom house. We are trying to protect our property. It is a double-edged sword- everyone talks about affordable housing but they would only be short term rentals here as this is not Concord. So instead of it being a one-unit short term rental it will be a house with like 6 units for short term leases only because the sewer is there. Gary Chandler replied that it may or may not happen only if the state says the minimum land area calculation used by the town cannot be used any longer. He admitted to not knowing the answer but again stressed the importance of the town and the LBWP to work together. Vicki Garland posed the following question- if the sewer comes to my house and I am right near the road what will it cost to hook up? Would the connection be added to a monthly bill? Gary Chandler replied that the connection cost right to the house 10 feet off the foundation wall is born by the project costs. That was the only way the Commissioners felt that we could get this done effectively in phase 1 and 2, the \$42-million-dollar project. You would have to pay the bonds and obligations. The capital cost would fall back on the tax rate or whatever rate we are using and the monthly fee to send the discharge to North Conway would be a monthly or quarterly bill based on water use. Michael Galante asked if LBWP goes outside the precinct boundaries would the same costs stand. Gary Chandler explained yes if we were to go out of the precinct boundaries, we would file for a franchise area and as long as we do not charge more than we do internally we don't have to go through public utilities commission rate study or rate case. We would also pay for the connection within 10 feet of the foundation which we built into the project costs based on funding. Funding is not available for outside the precinct right now and there would be no difference whether inside or outside the precinct. Michael Galante countered because it would be a different cost than that quoted to those people inside the precinct due to labor and material cost for a project that may be 5 years down the line. Also getting rid of sewerage I would think there would be a change in cost on a yearly basis based on regulations. Gary Chandler stated he is working on that right now. Vicki Garland asked if I get sewer because it goes past my house and I get a monthly bill will I be a voting member of the precinct? I wanted people to know that if I hook up and pay a bill, I will have no say in the LBWP business. Gary Chandler answered no but you are a member of the franchise like the water franchise customers. Joe Heston asked if you are going to hook up to the sewer can you get water? Gary Chandler replied yes. Heather Forbes asked for clarification regarding the 60,000 gallons a day by Storyland -was this over the time they operate or over the course of a year? Gary Chandler replied it was an average over the months they operate. Chairman opened the discussion for public comment. Peter Gagne Asked how many people are registered voters of the precinct? Or how many homes can vote on LBWP business? Answer is well over 150 people. Peter Gagne asked how many homes/properties are in the precinct not the franchise? Answer 450. Peter Gagne asked where the northern boundary of the precinct was- Answer East Branch. Various locations discussed and asked if they could join the sewer project- Answer was potentially. Gary

Chandler explained the termination point of LBWP is 16A at the bridge and it has to be decided if they do how to cross the East Branch and if someone came to us and said you have sewer on the other side of the river and if I pay for it can I hook up? The answer would be sure. Peter Gagne asked if the Believe in Books operation wanted to hook up, could they? Gary Chandler replied if we had sewer available and they came to us and wanted to pay for it like the potential for StoryLand—that was what happened with StoryLand- they came to us and asked what would it take and they were aware up front the costs might be- I think it is like \$4.5 million dollars. The lines that are going in for sewer can only handle so much capacity – to handle 20 years plus growth of the LBWP from a northern boundary all the way down to the plant and the pump stations are included. StoryLand is set at a top capacity of 70,000 gallons per day. The pipeline is not being designed for more than that. There is a limitation on how far we can go- cannot design for something in 50 years or in 25 years- we cannot afford that. Also no one will allow that from a funding perspective or a regulatory perspective. Amelia Emery asked from the public- if you have the sewer lines you can have more housing on your land can the town within itself create zoning that says that you are in a residential area and therefore you cannot go from one housing unit to a four housing unit? She stated that if your zoning says you are in a residential area does that not infer that you cannot have rentals? I have read the master plan and the plan leans towards keeping the character of our town- the rural character. What I have found out is it does not matter because if the state determines otherwise, we as a group that have been here forever do not have a say in that. Scott Grant countered with that as a Planning Board is trying to be proactive and if we get this in place before the state legislature says they want to do this we can counter with no we have this in place and you are overriding local control and it will go back to our local representatives. The problem is that the local representatives are outnumbered by the ones in the southern part of the state. More importantly we are trying to let the community know what may happen in the future. Amelia Emery thanked the board for their effort in clarifying and explaining this. Vicki Garland informed the public that they still have a voice in Concord without traveling there – if you go to the State House website you will find that every time a bill comes up for public comment there is a way to leave an acceptable digital comment. Also, I encourage you to contact the local representatives. We need to let Concord know how this is negatively affecting us - not that we oppose the expansion of sewer- the negative impact is that it takes away our ability to regulate minimum land area. Amelia Emery requested that the information be placed on the town website for accessing the state website to leave comments- Board members will try to accomplish this but with town meeting in the near future that may be difficult. Peter Rega spoke in behalf of Eagle Ridge development. He explained that the development abuts the precinct and they are interested in joining the sewer system as it makes sense financially for them. They have an aging antiquated septic system and to replace/repair would be a huge financial burden. He expressed concern over the wording of the warrant article as he feels that it will stop them from joining



the sewer precinct which they feel is a good thing for the environment and the residents. He recommends the board look at the wording of the warrant in relation to growth going forward because the current language penalizes the existing residents in the immediate area that wants to take advantage of a modernized sewer system but not allowing us to hook into it. Vicki Garland explained that if Concord would separate out the land area from having sewer then we would be fine with it- we only use sewer because every house bill is mentioning sewer. Peter Rega expressed that they were not against the minimum land concept but again expressed that it is about growth and that the article is penalizing 108 units trying to take advantage of a modern system. He stated they have approximately \$3 million dollars of capital improvements over the next 10-15 years. We are not sure of the useful life of the systems-they are inspected and tested regularly- there are 24 leech fields up 900 feet on a hill. If we have to re-engineer/replace them it would not be a \$500,00.00 item it would be a multi-million-dollar undertaking. Board asked Gary Chandler if Eagle Ridge was able to hook up what would be the length of time before that got done? Gary Chandler replied they are included in Phase 2 of the plan and we have been told by rural development to go ahead- the design will happen as soon as phase 1 is out to bid- approximately 1-2 years out with design/cost and maybe 3-4 years out to fully connect. They can petition the LBWP to become part of the precinct- at one time part of the property was part of LBWP but there was a disagreement with the developer because our restrictive zoning is 1 acre so there came a petition to the selectmen to remove them. There is a process for them to become a simple franchise area. However due to the date of the warrant article there is not enough time to actually go through with the motion. Amelia Emery expressed that it would be great to have the option to choose- I just had a new septic system so I would not want to hook up to sewer- for me it is the element of choice and it is what some people want. Scott Grant replied that it is all about density so choice is excellent but the sewer line goes out and the state says the sewer line is in your proximity and you have one acre of land with good soil instead of having a one bedroom house now you can have 4 3-bedroom houses and they will not be affordable. Joe Heuston informed the public that in Concord there was a vote on local control and even though there was a majority in the House it was tabled due to lack of votes. It does not look good. Bill Fabrizio spoke from the public and stated that for the first zoning ordinance- we looked at North Conway and did the opposite here in Bartlett- also in the bill mentioned earlier it said 22,000 sq. feet and because it is ½ an acre there would be 2 houses per acre not 4 (Scott Grant interjected that it was for good soils) and the third point was where are the state representatives? They should be here (It was explained to the public the importance of contacting their representatives and expressing their concern about the change in density proposed). He also expressed that he thought that the tougher zoning ordinance prevailed- Concord has been looser than ours and what you are saying is Concord is looking at changing that rule? Board answered affirmatively. He also mentioned that the zoning ordinance has a height restriction and sq. foot maximums so that should restrict some of the hotels. He

expressed concern about the number of septic systems going in and sooner or later there would be an issue with all the septic systems and the aquifer. Sewer is the long-term solution but we have to carefully look at the long term. He mentioned a term Transfer of Development list and the concept was discussed many years ago but it needs a sewer system to make it work- concept is valid and will maintain the rural nature of the community- purpose is to cluster some houses like at Attitash- they would build several condominiums there but the development rights are sold and it would forever be a green area. The concept will preserve the rural area of the town as you just concentrate where the development was. David Patch countered the statement with if Concord comes up with a law that says local control goes out the window so does the transfer development rights. Bill Fabrizio mentioned to LBWP that if you hook to water or sewer and are not part of the precinct that is a problem- he strongly advocated that if you pay the bill you should be a voting member of the precinct- it is a form of taxation without representation- not sure how to make it happen but it needs to happen. Gary Chandler was asked for the proposed routes to get to StoryLand. Initially the cost projections were a Thorn Hill route and a cross country Thorn Hill route but they were lines on a paper and not sure of their validity now. Alternatives will be looked at and if possible, save money- have to look at what is available and do other entities along the corridor whether they be residences or commercial businesses or whatever that want that service. David Shedd mentioned that once the precinct crossed the East Branch River there are no other boundaries beyond that except the town. Eagle Ridge was mentioned and he was aware that the development did not mean it this way but it was implied that we you need the sewer so it should happen for the rest of the town. That is a bit of a problem. Peter Rega expressed that as LBWP expands their area it should be with a precinct boundary and it has to be flexible. Gary Chandler replied that LBWP has its own zoning ordinance and the way it is structured right now if the boundaries were to change the zoning goes with the boundary change. There is a process to expand the boundary- the selectmen have to weigh in on that after a petition but the franchise area is totally LBWP done via a legal process. No one wants a conflict with the town zoning. As far as representation goes, at the time we did the franchise areas for water there was an advisory committee it will be the same for sewer. Andrew Light asked a clarification question regarding the main pipeline for phase 1 and 2- would it be the appropriate size to take on any projected phases? Is it based on the possibility of land density shrinking or the requirements shrinking or is based on what is there now? Gary Chandler answered it is based on what is there now with a growth factor built in- looked at StoryLand and asked them to let LBWP know what they are proposing down the road that would add to the waste. Andrew Light expressed that in order for it to be financially beneficial for North Conway Sewer there would have to be a certain number of gallons per day they are actually treating? Gary Chandler replied there is no difference in cost to North Conway if we bring in x number of gallons today or x amount tomorrow. We have reserved capacity with North Conway to have the ability to have what we need today and to either buy it all now or



buy it later. Peter Gagne asked what the capacity of North Conway today? Gene Chandler answered they are at 500,000 gallons per day and the plant was certified for 2.3 million- we are designing right now for 150,000 gallons per day including StoryLand calculations. Public hearing closed at 7:05 PM. Scott Grant educated the public that the board is voting on the warrant for addition to the town ballot- mostly wanted to get the information out to the public- If the public passes the warrant then there may be legal complications or the state could override us in the future- this was a heads up. David Patch commented the biggest reason for this was to see how the town feels and will give us a lot of information on which direction we should go. David Shedd informed the public that the zoning ordinance is a living document and can be changed in the future. Motion made by Michael Galante seconded by David Shedd to put the sewer expansion restriction article onto the town ballot vote unanimous.

- **Cedarcroft Farm LLC (Map 1THORN/Lots 54L00 and 42L00)**- Continuation of project: BLA between the Martyn (Robin and Todd) land Tax map 1THORN lot 42L00 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. Email from Andy Fisher read to the board- nothing new on the big subdivision. We are in the turn-lane design process and have nothing new to bring to the Board on that front. The Board requested that we separate the BLA and the "Farmhouse Subdivision" out from the PUD. I have prepared a separate set of plans for just the BLA & Farmhouse. If I can get them delivered today I will. Otherwise, I will get plans up to you later this week. There is no great rush on this but the PB felt that we might as well get those things approved while we wait on the PUD. Peter Gagne asked if the BLA is a separate application? Also wanted to look at the turn lane information. Encouraged to come to the next meeting to meet with the surveyor. Motion made by Joe Heuston seconded by Vicki Garland Vote unanimous to continue to the 03-03-2025 meeting
- **Jason Brown (Map 2RT302 Parcel 161L00, 165L00 and 170L00)**- update regarding application. Bond was given to the Selectmen. Approval cannot be given until they get the road. Motion made by Joe Heuston seconded by Vicki Garland vote unanimous to continue to the 03-03-2025 meeting
- **Brian/Lucy Eling and Makai LLC and Hono LLC (Tax Map 2RT302 Parcels 36R00 and 38R00)**- proposes to adjust +/- 1.06 acres of land from Lot 38R00 to lot 36R00. This will not result in a new lot of record. Email from Andy Fisher read to the record I believe that the requested notes are on the Plans which were delivered and that the Board should be able to approve. Motion made by David Patch seconded by Joe Heuston to approve the BLA vote unanimous

**3. Review and approve minutes of January 21, 2025-** Motion made by Joe Heuston seconded by David Patch to approve the January 21, 2025 minutes as amended vote unanimous

**4. Administrative Report**

- **Status of computer upgrade-** Mentioned that the clerk for the Selectmen came to me regarding the scanner and mentioned that Windows 7 does not scan when the new computer is in place the scanner should work also a camera for videoconferencing
- **Wetlands Permit for Storyland-** FYI- intended to correct water seeping out of Buccaneer Bay an existing man-made pond.
- **Town Hall Road Bridge-** work to be done see memo



S. Grant\_ Ltr  
Bartlett Officials Tov

- **Working session 02-18-2025-** As per Scott Grant the working session is cancelled
- **House and Senate bills-** packet provided to board



Updated status  
02-06-2025.docx



Updated Bill Status  
02-10-2025.docx

- **Updated information on town fees for Planning Board** – board aware that the spreadsheet is ongoing

**5. Next meeting: Working Session February 18, 2025 (cancelled) if needed next public session March 3, 2025**

Motion made by Vicki Garland seconded by Michael Galante vote unanimous to adjourn at 7:33 PM

Respectfully submitted

Louise B. Burns

Planning Board/ZBA Clerk



Planning Board  
Sign in meeting 02-(meeting 02-03-2025.



Public Sign in