

**TOWN OF BARTLETT PLANNING BOARD  
WORK SESSION**

**November 19, 2019**

**Members Present:** Scott Grant; David L. Patch; David A. Patch; David Shedd; Kevin Bennett; Kevin McEnaney.  
**Members Absent:** Barry Trudeau (with notice).

**Also Present:** Wesley Smith of Thorne Surveys; Sanjay Patel of Swiss Chalet.

Chairman Scott Grant called the meeting to order at 6:00 pm and reviewed the agenda.

**1. Pledge of Allegiance.**

Since the representative from Thorne Surveys for Items 2 and 3 had not yet arrived, the Chairman asked if the board would be willing to proceed to Item 4. The board agreed.

**4. Pre-application review: Trecarten Family Trust, Cobb Farm Road.** File: 2019-1261. This is an application to legally separate an 8-acre house lot from a 38-acre parcel on Cobb Farm Road. This 8-acre area was created when the flow of the Saco River changed course, which caused these two previously-joined areas to become separated and the house lot being cut-off from the rest of the property.

The board had previously discussed this proposal during an informal discussion with the applicant's engineer at the last meeting. David Shedd wondered what would happen to the boundary when the river changed course again and went back to where it had been. He noted the thread of the river was being called the boundary and it was not officially defined by metes and bounds. There was no answer to this except to acknowledge that Lot 2 would likely get bigger. The application will be formally submitted at the December 2 public hearing.

With the arrival of Wes Smith, a motion was made by David A. Patch; seconded by David L. Patch to return to Item 2 on the agenda. All in favor.

**2. Continuation/Final Approval: BBSK Properties, LLC, Route 16A.** File: 2019-1259. This is an application to subdivide the 12.82-acre Swiss Chalet property into two lots to create a new 1.20-acre residential lot to enable the existing residence to be separated from the commercial property. Tax Map 1RT16A, Lot 227-L00.

Wes Smith was present to follow-up on issues discussed at the public hearing, including whether the existing parking was grandfathered and whether it was allowed to be in the setback and greenspace buffers. David A. Patch said parking was definitely not allowed in the greenspace and perhaps it was up to the ZBA to decide whether it could be in the commercial setback through a variance. David Shedd asked why wouldn't setback and greenspace requirements need to be complied with when boundaries were moved and a new lot was created? Mr. Shedd also asked about the possibility of moving one of the buildings or some of the parking to help satisfy setbacks for the residential lot. He said without doing something like that, he couldn't see how this application could go ahead. David L. Patch shared his feelings on the subject by saying that a new residential lot was being created which he agreed should have to comply with all residential regulations. However, the remaining grandfathered commercial land would remain grandfathered and stay as-is. He acknowledged the commercial lot was being made smaller, but said nothing else was changing on it. Mr. Patch said he was a member of the planning board which originally wrote the zoning ordinance and described how some very specific things were said and told to the towns people involving protection of their property rights. He noted that the final zoning vote was very close and zoning barely passed. Mr. Patch said he felt very strongly about grandfathered rights and was concerned to see how these rights were sometimes being diminished. He said he did not think we should be devaluing people's property if they were there before zoning. When David Shedd said that nobody was forcing anyone to create a residential lot there, Mr. Patch responded they should have the right to do that and not have it affect what is left of the grandfathered lot. Mr. Patch said, in his opinion, it was a matter of their individual rights.

Kevin Bennett asked what the history of the existing house was. Mr. Patel advised he had built it a few years ago for his personal use as an owner-occupied residence, and that it was not being rented. He said his family had previously lived in a one-bedroom apartment above the office, which was too small for their needs. David Shedd asked why the house was now being separated out from the rest of the parcel. Mr. Patel said he wanted to remove the house from the commercial mortgage, which was too high, or, in the event he retired or sold the property, he would like to be able to retain the residence for his own use. Mr. Shedd reminded Mr. Patel that once the residential lot was created it could never become a commercial use again. Mr. Patel said he understood.

Another point the Chairman raised was that the existing Swiss Chalet sign would need to be moved if the residential lot was created, since it would need to be located on the same commercial lot which it directed people to. Mr. Smith said he understood and asked if this was something he could apply to the ZBA for so that it could remain where it was. David A. Patch explained how a few years ago the ZBA had granted permission for an off-premise sign because the same entity owned both properties. The selectmen had challenged that decision in court, and the court had upheld the ZBA's decision, which resulted in a zoning amendment being adopted to clarify the definition of off-premises signs. The board and Mr. Smith continued discussing some of the difficulties this project presented and how they could be resolved, including seeking relief for the parking, setbacks, and sign issues from the ZBA, or the previous suggestion of relocating or removing a building and/or parking spaces. Mr. Smith said he was coming to the planning board first to get a feel as to whether this project would fly at the town level before expending a lot of expense and effort applying to the state. He said if the ZBA denied their requests to allow the parking and setbacks to remain as depicted on the current plan, then he would attempt to redesign the concept and reapply to the planning board.

David Shedd asked whether the commercial density calculations shown on the plan referred to beds or bedrooms. Mr. Smith said beds and explained how many beds were in each unit and how each unit was being used exactly as it had been approved for by both the state and the town. He said the current commercial use was 8,125 gpd and the state would allow a 20,607 gpd use, but this figure was reduced to 15,465 gpd once the 25% reduction required by the town was applied. Mr. Smith said the end result was that they were using approximately half of the available commercial density. Mr. Smith said the house had four bedrooms based on residential MLAR, which is why the lot was sized as it was. He said he would email these figures to the board later. A motion was eventually made by David Shedd; seconded by David L. Patch to continue the application to the December 2 meeting. Vote: All in favor.

**3. Continuation/Final Approval: RSM Bartlett Properties, LLC, (Richard Girardin), 590 US Route 302.** File: 2018-1251. This is an application for a 14-unit subdivision (7 duplexes) on a 13-acre parcel identified as Tax Map 3RT302, Lot 53R00.

Wes Smith was also representing this application. State subdivision and Alteration of Terrain approvals had been received but a review of the road design by Burr Phillips of Civil Solutions was still in progress. Mr. Phillips had provided the board with his initial review report which had identified several major areas of concern. Mr. Smith asked that he and Mr. Phillips be able to work through these issues until they could be resolved. The board agreed. Mr. Smith advised he also had tentative approval from the DOT for the driveway entrance which he hoped would be finalized next week. A motion was made by Scott Grant; seconded by David A. Patch to continue the application to the December 2<sup>nd</sup> meeting. Vote: All in favor.

**5. Pre-application review: David L. Patch, Glenwood Avenue Extension.** File: 2019-1260. This is an application to subdivide a 2.96-acre parcel into two lots containing 1.85 and 1.11 acres respectively. Tax Map 2GLENW, Lot 1-0.

David L. Patch presented and described what he was proposing as being a straight-forward two-lot subdivision. He provided a plan which showed the 1.85-acre parcel, identified as Lot 1, would have 56-ft. of frontage on Glenwood Avenue Extension and the 1.11 acre lot, identified as Lot 2, would have 453 foot of frontage on Glenwood Avenue Extension and Hamlin Way. The state had recently issued subdivision approval eSA2019102401 for this project.

Mr. Patch said he had hired Greg Howard to delineate any wetlands and to make sure there were no water problems on the property. He recalled this work had been carried out at the end of May after it had rained for the whole month, and noted if the property was ever going to be wet, it would have happened then. Test borings had also been conducted which showed the property was dry and exhibited no water issues. Mr. Patch said density calculations showed Lot 1 had 188% of town septic requirements, and Lot 2 had 116%. He also advised a new septic system had recently been installed for an existing log cabin on Lot 1. The Chairman asked whether the driveway was coming off Glenwood Avenue. Mr. Patch said there was an existing driveway off Glenwood Avenue and showed where its location was on the plan. David Shedd asked where the driveway for the other lot was. Mr. Patch said there were a couple of options and indicated several areas where the terrain was flat. He said it could also come off the existing drive. Mr. Patch ended by saying the survey pins were going to be set today and they would definitely be in-place before the public hearing on December 2.

**6. Review and Approve Minutes:** The minutes of the November 4<sup>th</sup> meeting were reviewed. David Shedd noted an error in Item 2 on page 1, third paragraph and third line down, whereby the word “was” should read “which.” A motion to approve the minutes, as amended, was made by David Shedd; seconded by Kevin Bennett. Vote: 5-0-1 with David A. Patch abstaining since he had not attended the meeting.

**7. Mail and Other Business:**

- Mail listed on the agenda was reviewed.

There being no other business, a motion to adjourn was made by Kevin McEnaney; seconded by David L. Patch. Vote: All in favor. The meeting adjourned at 6:55 pm.

Respectfully submitted,  
Barbara Bush  
Recording Secretary