

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

**Approved Minutes
Working Session
August 20, 2024**

Opened by Scott Grant (Chair) at 6:00 p.m.

Present: Scott Grant (Chair); David Patch (Vice-Chair); Vicki Garland (Selectmen Representative); Kevin Bennett; Michael Galante; Joe Heuston; David Shedd; Pat Roberts (1st Alternate)

Absent: Phil Franklin (2nd Alternate)

1. Pledge of Allegiance

2. Review and approve minutes of July 1, 2024 and August 5, 2024 public sessions – Scott Grant (chair) requested we review the July 1st minutes first. David Shedd mentioned some spelling mistakes. Also needed to clarify it is curb cut not curb break on page 9. Also, on page 13 we are talking about sewer lines and not septic systems. We already have septic systems and we need to make the distinction between septic system and sewer lines. We need to differentiate between sewer lines and a septic system that every house has. Scott Grant asked the board for any addition questions/comments regarding the minutes. As there were none a motion was made by Vicki Garland (selectmen Representative) seconded by David Patch (vice chair) to approved the amended July 1, 2024 minutes vote: unanimously to accept. David Shedd asked the board to consider approving the August 5, 2024 minutes to the next meeting. He expressed concern that the minutes are important as some abutters have expressed concern over certain aspects of developments that are before the board. The board agreed by discussion to postpone the acceptance of the August 5, 2024 minutes till the September meeting.

3. Mail and other business

- **Date of September Meeting- public session 9/2/2024 is Labor Day-** Some members expressed they will not be able to attend due to the holiday. Board was polled to see which day was better to meet- Tuesday September 3, 2024 or Thursday September 5, 2024. Motion made by David Patch (Vice chair) seconded by Michael Galante vote unanimously to move the September meeting to Thursday September 5, 2024 at 6PM. Pat Roberts (1st alternate) stated he would be unable to attend.
- **Master Plan/ Discussion regarding ordinance for limiting sewer-** David Shedd stated it was his idea to bring up reviewing the Master Plan as a way to look into the municipal sewer issue. He expressed concerns about getting the zoning board amendment ready. Scott Grant (Chair) stated we look at the Master Plan every 5 years. The main concern at this point is sewer and we need to look at crafting a potential warrant article for the public to vote on. Vicki Garland (Selectmen Representative) stated there was no PSA that stated we have to update the Master Plan ever. She expressed surprise over that. David Shedd asked if zoning amendments can happen before the master plan is updated? Scott Grant (Chair) answered in the affirmative but reminded the board that we have to go to town meeting or town vote. Michael Galante asked if we had gone to the town attorney and asked him to prepare the warrant. Scott Grant (Chair) stated yes, we did and the attorney did come back with the guideline of 120 days. Clerk reminded the board that the attorney came back with some proposed language as a guideline. Board expressed they would have preferred stronger language rather than the information the attorney provided. David Patch (Vice Chair) stated he did not want to waste a lot of time trying to determine the legalities of the amendment that we come up with and that is why he would want the attorney to write one. That is the route that he would like to take unless what the clerk had is what he wrote. Scott Grant (chair) stated it is what he wrote but it is not something you can put out to the voters. David Shedd stated that the Selectmen sent the attorney to us and we need to keep them informed as to what we are trying to do. We would like to post notice to the public as soon as possible. We also need information from the Lower Bartlett Water Precinct. We need to know what they're plans are and the cost. When we bring it to the public, we need to know what we are talking about. I am willing to go to the LBWP meetings as they are posted and ask questions and kind of find out to what's going on. Is that alright with the board? Scott Grant (chair) queried the board to see if there are objections. He stated anyone can go but David Shedd wants to go as a representative of the Planning Board. David Shedd stated that we need to know the information regarding the project. Joe Heuston asked if the

Master Plan involved the precinct? David Patch (vice chair) stated it involved the whole town- it is the vision of what the voters want Bartlett to be. Joe Heuston asked if the LBWP is included in the restrictions? Scott Grant (chair) clarified that LBWP has its own rules and whatever is more stringent applies. David Patch (vice chair) stated that the Master Plan has no authority and it is not specific. It speaks in generalities of the town- how you want it to look like and how you want it to grow or not grow. Joe Heuston asked about the property that Mr. Patel bought. Supposed he wanted to build a 5-story hotel? He is in the LBWP with this property. David Patch (Vice chair) and Scott Grant (chair) answered that the more restrictive ordinance applies. Joe Heuston asked about sewer density as this is on the precinct. David Patch replied that Bartlett has stricter density for sewer and water and so this applies. He also stated that whatever is more restrictive that applies, their ordinance or ours. David Shedd stated that LBWP requires a minimum of one acre per lot but the Town of Bartlett requires a minimum land area (30,000 sq. feet on the best soil) depending on the soil group so we are more restrictive on the identity for residential. I am not sure about how it works for commercial. Scott Grant(chair) stated the issue is that the state legislature wants to do to override our local control. It is not so much about the sewer but what could potentially happen. The state may say for one acre of land you can have 4 houses on it if you have sewer that is our problem. And this is what we need to relay to the public. Kevin Bennett voiced that he is aware of the 40 sq. footage maybe there should be something we can review. Scott Grant (chair) stated a site plan review. David Patch (vice chair) stated the building is limited by the amount of land they have. Scott Grant (chair) stated also septic calculations. Members of the board at this time discussed the actual boundaries of the LBWP and which development was in and out of the precinct. Vicki Garland (Selectmen Representative) stated the Master Plan has a whole page on water and sewer and she is concerned the last paragraph could be interpreted as a benefit to have the sewer go all the way through. She stated that selling provides no adjustment to the minimum land are required for a lot based on centralized water or sewer and a recent selling amendment clarified this to be the case. "However, these services could reduce lot size requirements and allow for more concentrated development. It makes lots that are currently unbuildable due to their small size buildable. In the long term it may make possible the establishment of zoning and development regulations that could benefit the town but are not currently feasible." She goes on to state that we have a section in our Master Plan that could be interpreted to support. David Patch (vice chair) stated he thought that the benefit to the town meant that we get to collect more

taxes so when we update the Master Plan that should be changed. Pat Roberts (1st alternate) stated it needs to be stated that the same calculations for septic should hold true for septic or municipal sewer. David Patch (vice chair) stated that whether you have town water or not should not change the minimum land requirements to protect the groundwater. Pat Roberts (1st alternate) queried if the calculations are exactly the same whether you have municipal sewer or not? Scott Grant (chair) stated that is correct until the state legislature over rides that. Pat Roberts (1st alternate) asked if we write an ordinance can the state say your ordinance does not apply because the way the law blocks it? David Patch (vice chair) stated the only way the state can over ride it is via state legislation because they make the state laws. So far, our local representatives have voted against this as the state legislation has tried to pass this bill 3 years in a row he believes and that if sewer came to Glen you could put twice as many houses. We do not allow that but if a state law is passed and he feels they will we need to figure out from this attorney on how to stop that. David Shedd stated that if the sewer goes past your house you will have to pay to hook up. Joe Heuston asked if we could separate water from sewer? Scott Grant (chair) stated we are only discussing sewer. He reminded the board that water has already left the precinct and people are not mandated to hook up to that water if you are out of the precinct. But if sewer goes by you are mandated to hook up and you have to pay for it so it is not free. Joe Heuston expressed he would like a map from LBWP as to what extent the sewer project would entail. David Shedd stated he could ask for one when he attends the LBWP meetings. David Patch (vice chair) stated he is not looking for verbatim language from the attorney. Clerk stated the attorney suggested you add an amendment which stated as a new paragraph S to article 4 aa a last paragraph to article 4. The amendment could state water and sewer service supply limitations. There shall be no expansion of water supply or sewer supply beyond the boundaries of the town's four precincts/village districts and including the North Conway Water Precinct that supply a source of municipal water or sewer service. Then he said in the town's zoning ordinance there is a definition of the term essential services which he stated they are. He then suggested to clarify the importance of the amendment to article 4 as set forth the following zoning amendments should be added to the end of essential services which states however such essential services shall be restricted to water or sewer services should be provided to properties located within the boundaries of such precincts, in the village district within the town, North Conway water precinct and not to properties located outside of such boundaries. David Shedd voiced that an issue we have to do is separate water and sewer. Scott Grant

(chair) voiced absolutely. Michael Galante stated it is important to go back to the attorney and ask him to write it exactly as it should be as it is too important for us to fool with it. Clerk reminded the board that in order for the attorney to be contacted there has to be something in writing to be presented to Lynn Jones the AA to the Selectmen and she will then forward this on to the attorney on behalf of the board. Scott Grant (chair) suggested that the board draft an ordinance for sewer only. Forget water as it is already outside of the precinct. Then we put it to a public hearing. Even though it is before the 120 days if you put it in a public hearing people will talk about it and then you get legal involved to see what they think about it. If you have a public hearing you can change what you have said. I think the whole purpose of this conversation is to let the public know what is going on and have them involved one way or another and the simplest way we make this process the better off we are. And if we are proactive and not reactive the better off we are. David Shedd stated that one possibility is that the board does not have to come up with an ordinance tonight but that we promote a draft ordinance. He suggested that the board put something together and work with the clerk and she will send out the draft prior to next meeting. He felt it was a little much to try and get an ordinance together tonight- he is not trying to avoid it but it seems like a large item to do. Joe Heuston stated that sewer is going to be a touchy issue and suggested that we incorporate language that if you have sewer or not density of the town will not change. David Patch (vice chair) stated that is our guideline now and Scott Grant (chair) stated the same and added until the state changes it - if sewer goes by. Vicki Garland (Selectmen Representative) replied the only thing we can do is say sewer cannot go by. She is looking at what the attorney provided and she believed the fewer words the better. What if the ordinance stated the following- there shall be no expanse of sewer supply beyond the boundaries of the town's four precinct/village districts, the North Conway Water Precinct that supply the source of municipal water or sewer services. I mean just no expansion beyond the boundaries and then with zoning we can clarify what an essential service is. David Patch (Vice Chair) stated that any future precinct shall be bound by this ordinance. Scott Grant (Chair) stated it should be directed to Lower Bartlett Water Precinct because other precincts can't have sewer or get sewer. If you look at the Master Plan back in 1992 the town voted as Attitash wanted their own precinct and it got shot down by the town. The Master Plans stated because the ordinance failed and because Attitash had the ability to pay for the local sewer it is unfeasible and uneconomical for anyone in Bartlett to ever have a sewer again. He is not quoting them but felt it was historic and spot on. David Shedd brought up that supposed Story Land

wants sewer bad enough the precinct makes an effort to say we can run the lines today. Would the precinct vote have their members vote on it or would it take a town vote to expand the precinct? Or would it only take a vote within the expansion area? Clerk stated that in 2001 she went to a meeting at LBWP regarding sewer and was told the sewer line would stop at Story Land. Scott Grant (chair) stated he knew lots of people at Story Land very well. Management has changed there. Story Land came before the Planning Board regarding workforce housing either across the street or around back and they were talking at that time about sewer. He reported that he told them that sewer was not happening so they stopped asking and they are no longer looking for sewer. David Shedd stated there was an article he believed about 9 months ago there was an article in the paper regarding the precinct plan. He thought the plan was divided into 3 phases- the first phase was on 16A, phase 2 was on 16 and the 3rd phase was outside the precinct. David Patch (Vice Chair) stated regarding the people inside the precinct voting or whatever. Many years ago, when there was a volunteer fire department and we were looking for a way to pay for equipment as we did not have much. We came up with the idea of forming a precinct. You can form a precinct, name your boundaries and every voting resident within those boundaries can vote either for or against. It failed by one vote. You get taxed on your evaluations like anything else. Scott Grant (chair) asked if it was the full town or anyone within the boundaries? David Patch (Vice Chair) responded the people within the boundaries. He stated that is why he told Vicki Garland (Selectmen Representative) that we need to name the town's four precincts, then at the end of that say or any future precinct. Vicki Garland (Selectmen Representative) replied I say no expansion of sewer supply beyond the boundaries of the town's four precincts, village districts including all current and future precincts that supply a source of municipal sewer service. Scott Grant (Chair) questioned – I believe it should just be LBWP as other precincts cannot have sewer outside their boundaries? Pat Roberts (1st Alternate) stated that is correct today but in the future that could change. He clarified that if anyone stated him that we would be buying water just water from LBWP to my home I would have said you were crazy. Vicki Garland (Selectmen Representative) stated it cannot be just LBWP as we have to treat everyone the same. David Shedd stated just cannot say LBWP alone because if LBWP puts sewer in the Town of Bartlett and expands outside you cannot say one precinct can and not another. Scott Grant (chair) stated the precinct covers the whole town. Vicki Garland (Selectmen Representative) replied yes but we do not want them expanding. Michael Galante stated if they can't expand it will discourage people from

making their own precinct. Vicki Garland (selectmen Representative) stated it is not that we don't want them expanding we don't want to lose the right to determine density. Scott Grant (chair) stated if we took the ordinance that you wrote and put it out there, we have to have the facts to back it up. People will say sewer is great but they will have no idea what it costs, what is going on around them and we need to explain it to them. The reason why we have to be proactive is Manchester or Concord have a housing crisis like we do and they can make a density change so they get workforce housing. Up here it would be STR's and not affordable at all. David Shedd stated that what is significant and is being overlooked is the cost of it all. We need to be very clear about how much it costs and over what period of time and let people decide. David Patch (Vice Chair) stated at this point the Master Plan that people voted for was keeping Bartlett rural and not crowded, not houses jamming in on top of each other. That's what they wanted, so that is one of the biggest reasons why we are doing this. Scott Grant (Chair) stated that when the ordinance is written, what Vicki Garland (Selectmen Representative) read to us put that the Master Plan states rural, that rural sense that's a good way to kick off the ordinance. David Patch (Vice Chair) stated that the town overwhelming voted for that language. Vicki Garland (Selectmen Representative) stated she was reading the introduction to the Master Plan to see what line she could use. She stated that to go back to one thing that Scott Grant (chair) stated it is in the Master Plan- There's currently no centralized sewer system in town and sewage treatment is provided by an onsite septic system. The Conway septic system currently extends into the Intervale region of Bartlett and could expand further and a proposal for the development of a sewer system in partnership between the town and Attitash Ski area was voted down in 1992. The development of an independent sewer system serving Bartlett is currently beyond the financial capacity of the town. Pat Roberts (1st alternate) stated that LBWP has obtained bonds or loans from the FDA. Scott Grant (chair) stated that if you have the precinct and then you have the sewer then you have more houses using more water that create more waste and that creates more problems with water. David Patch (Vice Chair) stated eventually we are going to fill up where that septic is being pumped and we have to deal with that. David Shedd stated he still cannot believe that Fox Run, Woodland Pines and Birch Lee are not in the precinct because it makes sense for them have sewer lines run because they are on the aqua well. Discussion of the classification of 16, 302 and 16A. David Patch (Vice chair) stated that 16 was determined to be a defense highway so that in some kind of emergency, military or otherwise, they did not want to impede traffic by having people pull on from both sides. They

needed to travel through there at whatever breakneck speed and they did not want any traffic issues. The reason why I know that is when we wrote the LBWP zoning ordinance it was my task to find out why we did not have access on that side. Joe Heuston stated he thought funding would not be a problem if this takes off because the federal government will throw a lot of money at it and feels this will happen. It is a good point to not limit the ordinance to LBWP because it goes up Kearsarge and now you are on the other side of Bartlett so I agree you cannot single out any one precinct. Vicki Garland (Selectmen Representative) replied in the affirmative and stated that is why I think you should not single out any one precinct. We need to use the language of all current precincts. David Patch (Vice Chair) stated also to include future precincts. Vicki Garland (selectmen Representative) stated that the first paragraph of the Master Plan states limited development of use is not compatible with the rural character. I'll start with that absolutely. Scott Grant (Chair) stated this is informational for people to realize what could happen and what will happen in the future of we don't do it first. Pat Roberts (1st alternate) asked about state government people. Vicki Garland (Selectmen Representative) stated the Municipal Association is fighting it only from the point of view that taking away local control and not saying anything about do you need septic or water. They are just supporting maintaining local control. If you Google (and I spend too much time thinking about this) the trends all over the country, the rural areas are very pro water and sewer and it is connected to rural areas and economic development. So, there is a lot of federal money saying "you rural areas want this economic development" therefore we will help you. They named one town in New Jersey that was very rural it just talked about how economically disadvantaged they are and by putting inn municipal sewer and water it is going to help the entire town economically. That does not I believe pertain to us. Scott Grant (chair) mentioned that this would only benefit STR's. And we need to know the cost of the sewer. I probably pump my septic every 2 years and it cost about \$200/year. It will probably cost \$400 to hook up to sewer. He calculated that for the 500 people inn the precinct to pay over \$100,000.00 apiece over time. Vicki Garland (Selectmen Representative) stated there was only one phone call regarding letters the town sent out on the sewer issue. She replied that (and she admitted to stereotyping some people) that they felt their investment just became more valuable so bring on the sewer. Don't forget a lot of people are from out of town and a lot of them have sewers. Scott Grant (Chair) replied that when people move from here to there, they expect the sewers. Clerk found on the LBWP website that LBWP received a \$14,999,000.00 loan from the USDA and a \$447,000.00 grant from the USDA.

Michael Galante replied that half of the sewer project was to be funded and by the time of the next phase of the project money would be pouring in. He also stated the system in North Conway was built to handle so much and you know the people in the precinct are being sold a bill of goods stating this is what it will cost you every year over the next 5 years, 3 years or 10 years?. Pat Roberts (1st alternate) stated they over designed the system in North Conway it is capable of handling all of what North Conway generates. It was brought up that the system put into place by LBWP will tap into the North Conway Sewer system. Scott Grant (chair) stated that Bartlett is definitely different and unique because of where we are and septic/sewer is something we have to explain to people. He then asked if there were any additional questions or suggestions from the board. Joe Heuston reported that septic is going into the river- it is not septic anymore but the run off waste water. Michael Galante brought up the issue of PFA's and that is the latest thing. As you know we will have to start to separate and separate the separate from separate stuff. It doesn't ever go away and it doesn't burn. Various members spoke about things that go into the waste water like medications etc. Clerk stated from the LBWP website a letter from the USDA stating that the proposed project consists of the design and construction of a centralized sewer collection system to the North Conway water precinct with a conventional gravity system focused on the Wellhead Protection area including the northwest area of the precinct route 16 and 302, Fox Run Road, Virtual loop, Intervale Lane, Meadowood Lane and 16A. Pat Roberts (1st Alternate) asked how are we to get ahead of this? Scott Grant (Chair) replied until the state legislature overturns local control we are trying to get ahead. That's the whole purpose that people understand the process. David Patch (Vice chair) stated that the first thing we have to stress is we like clean water. That is why we are doing what we are doing. Joe Heuston stated that there is a fear issue and we have to say exactly what you said (clean water). However, as a selling point say it's a great idea to keep the river clean and all that nonsense. But ask how many houses do you want in your next-door neighbor's yard? Do you want to turn this into North Conway? David Patch (vice chair) stated that the people voted for rural area. Scott Grant (chair) stated just mention the hotel across from the scenic vista- do you want that here? Joie Heuston commented that by the time it's done we will have a police department with 45 officers. Michael Galante stated that the mailing from the Selectmen's office based on the conversation we are having that it did not include the people from Birch Run and the developments from over there. Vicki Garland (Selectmen Representative) stated she was fairly certain that is the case. Michael Galante stated he is trying to wrap his head around the idea that those

three developments across the street are not part of the LBWP and as a result when the selectmen did the mailing those people were not included. Vicki Garland (Selectmen Representative) concurred that was true. The letters only went to those people in the LBWP. Michael Galante stated that here is another example- there are so many houses over there that these people have to understand the implications involved. Heather Forbes (community member) was present in the audience and was asked to speak. She stated that she is not in the LBWP as it ends at East Branch River. She stated she did receive a mailing and her Sandy called Gary Chandler at LBWP as was suggested by the Selectmen. She stated that you need to show people why it is important to them- the points you are making are very valuable. But to someone who is a tax payer my age I'm going to say why is this harmful? Vicki Garland (Selectmen Representative) stated to your point then we need to move outside the precinct and get all those voters involved in what could be happening. She believed they may not care. She also believed that the folks within the precinct are going to care as much as the folks outside. Discussions among the board regarding funding money and that 14 people voted? They questioned the quorum and was 14 people enough for a quorum? Clerk mentioned she was notified maybe by post card that sewer was being discussed at LBWP. She then found out that she was not in the precinct and but stayed to listen as the septic's are failing at her development. She thought that LBWP notified everyone regarding the discussion. She believed there were more than 14 people there from the precinct. She clarified that the voting was to allow LBWP to proceed and look into funding at that time. Scott Grant (chair) asked the board for any additional comments. As there were none, he suggested that Vicki Garland (Selectmen Representative) do a rough draft of an ordinance. Vicki Garland (Selectmen Representative) stated she would literally have a couple of sentences and she would send it out to the board. David Shedd stated if the language was appropriate at the September meeting, we could send it to the attorney through the Selectmen. Scott Grant (chair) then stated we could then have a public meeting. He does not care if the public pulls it apart we just need to put it out there. Vicki Garland (Selectmen Representative) stated that it is a rough draft- she will not be attached to it. She stated it is just a place to start. Joe Heuston asked when the public hearing would be? Scott Grant (chair) replied it is whenever we make it maybe October hopefully. Joe Heuston stated that we will bring up the idea that we are not against clean water and all that stuff, right? David Patch (Vice Chair) stated that would be the opening statement. Joe Heuston stated yeah and this is the reason why we drafted this. Vicki Garland (Selectmen Representative) stated are we sure we are doing this in October?

Scott Grant (Chair) stated we can throw it out there and have a public hearing and need be have another one. One could be an informational public hearing. Vicki Garland (Selectmen Representative) stated that to remind people that if it is before 120 days it is not enforceable. Discussion among the board members as to when the 120 days would be. Joe Heuston stated that the time is soon and it has to be put on the ballot to be voted on. Scott Grant (Chair) clarified that you can have informational meetings and then a public meeting. Joe Heuston stated he did not want to wait another year to get this accomplished. And in another year, it could be decided to have the sewer here. He felt that we are under the gun. David Patch (Vice Chair) stated in that 120-day window, as soon as we approve a zoning amendment for the zoning ordinance and post it, it will be law until it's voted on. In other words, you can't do anything about that amendment until it is voted on either up or down. If it is voted down you are all set if it passes it you are stuck with it from the day we post it. Vicki Garland (Selectmen Representative) stated that she learned in a seminar she attended that zoning amendments should be on a separate ballot.

4.Next meeting: Next public session September 5, 2024 Next working session September 17, 2024 if needed

Motion made by Michael Galante seconded by Joe Heuston to adjourn. Vote: passed meeting adjourned at 7:04PM



Additional
information regardii



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At this time the board had an informal discussion on the following topic: Affordable housing.

Scott Grant (Chair) spoke to Norman Head (community member) regarding an affordable housing ordinance. Scott Grant (chair) stated he did not think it was within our purview to make people do something else with their property. David Patch (Vice Chair) stated that everyone has to be treated the same. Michael Galante stated that if you have property in a city like Boston, Chelsea whatever and you have federal funds coming in, part of the requirement for the federal funds is that the feds say that 5%,15%,20% of the housing project needs to be low and moderate income housing. They dictate that because they are financing the project, but they can dictate it because you already have the infrastructure. We don't have the infrastructure and we don't want the infrastructure. We are trying to not have the infrastructure. He cannot

figure out what Norman Head is speaking about. David Patch (Vice Chair) brought up a scenario about affordable housing. He knew an individual who had a housing development and there is a cap on rent and there is a certain amount of assistance the federal government gives. He stated you have to do it for like a 5-year period. The person was happy he did it for 5 years and then after that he jacked the rents up. All of the people who were there left in like 30 days. Discussion among the board of other developments (example a trailer park) that the owners did well and have since bought other trailer parks. Kevin Bennett stated that some of the developments with affordable housing have units that are about 400 to 450 sq. feet per unit.